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BOMBAY BRANCH
OF THE
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A LIST OF THE ADMINISTRATIONS,

Exhibiting the Changes in the Cabinet, from Mr. Canning's Entrance into Parliament to the Present Time.

	First Lord of the Treasury.	Chancellor of the Exchequer.	Lord Chancellor.	Lord Lieutenant of Ireland.	Secretary of State for Foreign Affairs.	Secretary of State for Home Department.	Secretary of State for War and Colonies.	President of Council.	Privy Seal.	First Lord of Admiralty.	President of Board of Control.	Master of Ordnance.	Treasurer of the Navy.	Attorney-General.
1793	Mr. Pitt.	Mr. Pitt.	Lord Loughborough.	Earl of Westmoreland.	Lord Grenville.	Mr. H. Dundas.	Vacant.	Lord Camden.	Earl Gower.	Earl of Chatham.		Duke of Richmond.	Mr. H. Dundas.	Sir J. Scott.
1794				Earl Fitzwilliam.		Duke of Portland.		Earl Fitzwilliam. Earl Mansfield.	Earl Spencer. Earl Chatham.	Earl Spencer.				
1795				Earl Camden.								Marquess Cornwallis.		
1796								Earl of Chatham.						
1797														
1798				Marquess Cornwallis.					Earl of Westmoreland.					
1799														Mr. John Mitford.
1800													Mr. D. Ryder.	
1801	Mr. Addington.	Mr. Addington.	Lord Eldon.	Earl of Hardwick.	Lord Hawkesbury	Lord Pelham.	Lord Hobart.	Duke of Portland.		Earl St. Vincent.	Lord Lewisham.	Earl of Chatham.	Mr. Charles Bragge.	Sir E. Law.
1802											Lord Castlereagh.			Mr. Percival.
1803						Mr. C. Yorke.							Mr. Tierney.	
1804	Mr. Pitt.	Mr. Pitt.					Earl Camden.						Mr. Canning.	
1805					Lord Mulgrave.		Lord Castlereagh.	Viscount Sidmouth. Earl Camden.		Lord Barham.				
1806	Lord Grenville.	Lord H. Petty.	Lord Erskine.	Duke of Bedford.	Mr. C. Fox. Lord Howick.	Earl Spencer.	Mr. Windham. Lord Castlereagh.	Earl Fitzwilliam.	Viscount Sidmouth.	Lord Howick. Mr. Grenville.	Lord Minto. Mr. T. Grenville. Mr. Tierney.	Earl of Moira.	Mr. R. B. Sheridan.	Mr. Pigot.
1807	Duke of Portland.	Mr. Percival.	Lord Eldon.	Duke of Richmond.	Mr. Canning.	Lord Hawkesbury (since Earl of Liverpool.)		Earl Camden.	Earl of Westmoreland.	Lord Mulgrave.	Mr. R. Dundas.	Earl of Chatham.	Mr. G. Rose.	Sir V. Gibbs.
1808														
1809	Mr. Percival.				Earl Bathurst.	Mr. Ryder.	Lord Liverpool.				Lord Harrowby.			
1810					Marquess Wellesley.					Mr. Yorke.		Lord Mulgrave.		
1811														
1812	Lord Liverpool.	Mr. Vansittart.			Lord Castlereagh.	Lord Sidmouth.	Earl Bathurst.	Earl Harrowby.		Lord Melville.	Lord Buckinghamshire.			Sir Thomas Plumer.
1813				Earl of Whitworth.										Sir W. Garrow.
1814														
1815														
1816											Mr. Canning.			
1817				Earl Talbot.									Office connected with President of Board of Trade.	Sir S. Shepherd.
1818												Duke of Wellington.	Mr. F. Robinson.	
1819														Sir R. Gifford.
1820														
1821				Marquess Wellesley.							Mr. C. Bathurst.			
1822					Mr. Canning.	Mr. Peel.					Mr. C. W. Wynn.			
1823		Mr. Robinson.											Mr. Huskisson.	
1824														Sir J. Copley.
1825														
1826														Sir C. Wetherell.
1827	Mr. Canning. Lord Goderich.	Mr. Canning. Mr. Herries.	Lord Lyndhurst.	Marquess of Anglesea.	Lord Dudley.	Mr. S. Bourne. Marquis of Lansdowne.	Lord Goderich. Mr. Huskisson.	Duke of Portland.	Lord Carlisle.	Duke of Clarence, L.H.A.		Marquess of Anglesea.	Mr. C. Grant.	Sir J. Scarlett.
1828	Duke of Wellington.	Mr. Goulburn.				Mr. Peel.		Earl Bathurst.	Lord Ellenborough.			Viscount Beresford.		Sir C. Wetherell.

THE

SPEECHES

OF THE

RIGHT HONOURABLE

GEORGE CANNING.

WITH A

MEMOIR OF HIS LIFE.

BY R. THERRY, ESQ.

27027

OF GRAY'S INN, BARRISTER AT LAW.

IN SIX VOLUMES.

VOL. IV.

"He had ambition to prevail in great things. He had, likewise, honour, which hath three things in it;—the vantage ground to do good,—the approach to kings and principal persons,—and the raising of a man's own fortune."

BACON.

LONDON:
JAMES RIDGWAY, 169, PICCADILLY.

MDCCCXXVIII

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SPEECHES,

&c. &c.

STATE OF THE NATION.

JULY 11th, 1817.

Mr. BROUGHAM moved an Address on the State of the Nation. The following extracts embrace the leading topics of the Address.—

"That it is with deep concern that we observe in every part of His Royal Highness's dominions nearly the same pressure of distress, which at the beginning of the session was lamented as unparalleled in the history of the country; and that although we are disposed to hope that some portion of the evil may be temporary, we should trifle with His Royal Highness did we not declare our fixed opinion, that the changes which have happened in the world will prove permanently ruinous to a great part of our foreign commerce, if they are not counteracted by corresponding alterations in our commercial policy, and by the extension of our intercourse with countries removed from the influence of our rivals; but that we have heard with surprise and regret, from His Royal Highness's advisers, an avowal of principles,

which remove to a hopeless distance all expectations of seeing so salutary a system adopted; that we find that they dare not oppose themselves to the conflict of the mercantile interests, by which they represent themselves to be surrounded; that to the menaces and importunities of individuals they sacrifice their own declared opinions: and that, instead of anxiously seeking for the means of restoring the healthful state of British commerce, they remain passive spectators of its progressive decline, and abandon their duty towards the whole empire, in order to escape the interested clamours of a few.

"That, while the measures of His Royal Highness's advisers at home are calculated to afford no relief either to the labouring finances of the state, or the insupportable sufferings of our countrymen, we regret to observe, that a course of policy has been pursued towards foreign states, at once injurious to the prosperity, and degrading to the character of the nation: on the one hand, we see, with humiliation, that all the blood and treasure so lavishly bestowed, and all the triumphs of our arms, have failed to secure to us the most ordinary share of influence with the very powers which owe their existence to our efforts,—while, on the other, we perceive with shame and disgust the authority of the British name prostituted to sanction every abuse of power; every invasion of national independence; every encroachment upon popular rights; and that lately we have witnessed, nearly at the same time, the humbling sight of British merch nts oppressed, without the hopes of redress, by a petty tyrant (the King of Sardinia,) whom our influence had raised to power, and an authorized British Minister joining in the bootless persecution of an unoffending individual, for the purpose of courting more powerful sovereigns.

"That it is a farther consequence of the same false principles, and the same imbecility, which mark the administra-

tion of our foreign affairs, that laying down no certain line of conduct respecting the intercourse with South America, but swayed by the groundless prejudices against colonial rights, which have survived the first American war, His Royal Highness's advisers have succeeded in disconcerting the commercial plans of our own countrymen, and exciting the universal distrust of the independent party, while they have failed in giving satisfaction to the Spanish and Portuguese Governments: nor can we refrain from lamenting, that, after the unparalleled sacrifices made to preserve the existence of those dynasties, it should be found impossible to obtain from them a renunciation of the execrable traffic in human flesh, carried on, by their authority, to an extent beyond all former example, and very far surpassing, in its repugnance to the law of nations, the French aggressions against themselves, which we interfered to repel.

"That when indeed we recollect the prodigious efforts made by this country during the late contest, and contemplate the intolerable burthens which they have entailed upon all classes of His Royal Highness's subjects, however gratifying may be the reflection, that the triumphs of our arms exalted the character of the British nation, it is truly painful to mark the truth which every day's experience forces upon our belief, that the fruit of those costly victories hath been thrown away by the incapacity of His Royal Highness's confidential advisers: even the arrangement of the Continent, which they claimed as their own, and boasted would be permanent, offers no prospect of stability to counterbalance the narrowness of the principles on which it was founded, and the profligacy of the means by which it was effected: for, besides the weakness naturally inherent in every such transaction, and the universal discontent of the people, whose interests have been sacrificed to it, we observe the greater continental powers rather extending their armaments than

returning to peaceable pursuits;—the inferior sovereigns striving to follow their example; and leagues of a mysterious nature, with unexplained views, taking place of the ancient and known relations between friendly states, while Great Britain, instead of trusting for her influence to the weight of her high character, the popularity of pure and liberal principle, the knowledge of her commanding resources, and above all the incalculable effect of her entire disinterestedness, has been involved in all the intrigues of foreign courts, has submitted to take her rank among them as a second-rate military power, and adopted a system of constant intermeddling, beneath her dignity, as it is destructive of her authority; and that we observe with astonishment and regret, that in order still more effectually to ensure the failure of such schemes, their execution has in many instances been intrusted to incapable hands, according to the novel and reprehensible plan, which seems to be followed, of bestowing the higher patronage of the foreign department upon persons recommended by family connection or by military rank, and rewarding with its inferior posts the basest species of political service.

"But that when we turn from surveying the effects of mismanagement upon our national wealth and our influence abroad, to contemplate the blows which have been sustained by the civil and religious liberties of His Royal Highness's faithful subjects, we are filled with a concern so much the deeper, by how much those interests are inestimably dearer to a free people: that to serve the unworthy purposes of a court intrigue, for diminishing the influence of some distinguished men, and widening the difference that unhappily divides others from His Royal Highness's confidence, we have seen the attempt, already partially successful, to revive the senseless clamours of a misguided multitude against His Royal Highness's Roman Catholic subjects, and to

embody, as the principle of the Government, those bigotted doctrines, which, after weakening the strength of the empire in war, occasion the necessity for a standing army, that exhausts its resources and undermines its liberties in peace: nor is it one class of His Royal Highness's subjects alone who have to lament the injury to their constitutional rights which this fatal session has brought about: that the measures so disastrous to public liberty, which His Royal Highness's advisers have prevailed upon Parliament to sanction, are all the answer that has been given to the petitions of the people; all the return made for their unalterable attachment to the Constitution; all the means taken to justify or fulfil their anxious expectations: that on the eve of a prorogation, which will leave, for the first time since the revolution, the most precious of their rights at the absolute disposal of those advisers, we deem it our duty, alike towards his suffering but faithful subjects, and towards His Royal Highness, solemnly to desire that so vast and perilous a trust be not abused: that when we consider into whose keeping the personal freedom of each individual in the kingdom is delivered, and reflect that among the confidential servants of His Royal Highness, are to be found both those who exercised the powers of Government in Ireland during the darkest period of her history, those whose general incapacity has been recorded by their colleagues, and those whom recent proceedings have stamped as inadequate to contend with the wiles of their own agents, we may well be alarmed at the prospect of the approaching recess; but we deem it a sacred duty not to separate without expressing our earnest expectation, that His Royal Highness will discountenance, by all means, the employment of persons pretending to be spies, and in reality contrivers of sedition for the sake of gain, the encouragement of whose unworthy artifices must end in the destruction of

innocent individuals, endanger the public tranquillity, and irretrievably alienate the affections of his faithful subjects: and that we pledge ourselves to institute a rigorous inquiry at the beginning of the next session into every thing that concerns the execution of the new laws during the prorogation of Parliament."

Mr. CANNING* said, he was as unwilling as the honourable gentleman (Mr. W. Smith) who last addressed the House, to prolong the debate; but after the revival, not for the first nor the twentieth time, of charges which had been as often refuted as they had been brought forward; after the renewal of calumnies which, generally from their nature, and particularly from the appearance of candour and moderation with which they were now introduced, were calculated to make an undue impression, he could not suffer the question to go to that division which must consign it for ever to the contempt of the House and of the country, without offering a few observations upon the matters and the conduct of the discussion. Every man who had witnessed the course lately adopted, on more than one occasion, by the honourable member who spoke last (Mr. W. Smith), must have been surprised at hearing him profess his ignorance, whether the defendant in the cause to which he referred was alive or dead. The dead or the absent had been, in late instances, the objects of the honourable gentleman's attack. The former, he had found, might sometimes make reprisals, the latter were wholly precluded from reply; and for the satisfaction of the honourable gentleman, he (Mr. C.) could assure him that the person he had named on this occasion was now no more. But however convenient this species of hostility might be, it would at least be more fair and more generous if the honourable gentleman were to confine his future attacks to the living, if not to the present. The honourable gentleman had entirely mistaken the nature of

the plea of his noble friend (Lord Castlereagh). He (Lord Castlereagh) had not endeavoured to evade inquiry; on the contrary, he had most assiduously courted it; and that too in the manner which would be best calculated to elicit truth. He had courted a distinct examination into the matters charged. It was the present mode of introducing the accusation against him which his noble friend deprecated. He required what justice dictated, and what no man who had a feeling of justice could deny; that the matters of charge should be distinctly brought forward, that he might be sent to his trial fairly, and with due notice, and that his conduct in Ireland might not be mixed up with that infinity of detail, that mass of irrelevant matter, from foreign politics to cotton twist, with which they had been jumbled on the present occasion. His noble friend had justly to complain of the manner in which this accusation had been brought forward; for how did he stand with respect to it? He was now, not during the currency of a session when there was space for discussion and opportunity for refutation, but on the very eve of a prorogation, when reply was almost impossible, at least was thought to be so, charged with what, if true, would not only render him unfit for the high situation which he filled, but would justly expose him to the most severe animadversions of Parliament, and to the execrations of his country. He (Lord Castlereagh) had to complain, not only that the transactions to which allusion had been made, were those upon which a period of twenty years had closed, but also, that the charges extracted out of them were thus incidentally thrust forward for no other reason than because there was some chance of their remaining unrefuted. But let the House examine a little farther into the sources from which these charges emanated. Had the honourable member (Mr. Bennet) ventured to give a direct answer to the

question of, from whom he procured his affidavits? Had he informed the House whether it was from a pardoned traitor or pilloried libeller? He (Mr. Canning) did not presume to assert that information procured from such sources was altogether to be discredited; but, conforming to the generally received opinions of mankind, it might have been as well, if the honourable gentleman had stated to the House what the nature of those sources was; that though to him they might have appeared perfectly pure and acceptable, yet still they were such as, to ordinary minds, would carry with them an aspect of suspicion. Calumnies, founded on the authority of a traitor who had been pardoned, or of a libeller who had had the advantage of standing in the pillory, might, no doubt, be very satisfactory to some gentlemen's minds: but still it seemed right to disclose the channel through which they were procured, from compassion to the poor, feeble understandings of those who, not yet up to the times, thought, as of old, that the less polluted the sources of intelligence, the better.

Putting these considerations for a moment out of view, and wholly abstracting the transactions to which these affidavits related from the connection which had been endeavoured to be established between them and his noble friend, he would ask, was this the time when such circumstances ought to be brought forward for discussion? Was this the time when we were to go back to that unhappy period in the history of Ireland, to take up and bring to view all the disgusting effects of those dissensions, which, unhappily, convulsed that kingdom twenty years ago? No doubt it was possible, it might even be easy, to drag forth instances of atrocity, of public treason, and private violence, to equal if not to exceed the crimes of the present day; but what purpose would that answer? Was there a man who valued the tranquillity of his country, or had at heart its

security, who did not wish that the veil of oblivion should be drawn over scenes so long passed and so deeply to be lamented: or, who, if he should feel it to be an act of duty to call back the public attention to them, would not wish to do it with all the solemnity of a judicial inquiry? What was this night, and in this place, the apparent object of their introduction? Was it satisfaction and reparation to the individuals said to be injured? That could not be; for the House of Commons was not the proper place where such reparation could be made. Was it to bring the individuals said to be concerned in such atrocities, to justice? Why, then, was not the proper form resorted to? Why was not an inquiry proposed, or an impeachment instituted? The present mode of noticing these transactions could lead to none of these ends. For let the fate of the motion be what it might, the imputed guilt or real innocence of the individuals thus collaterally accused would still remain undecided. The only object that could by possibility have been attained, was one which the answer of his noble friend (Lord Castlereagh) had defeated, that of giving a temporary triumph to unfounded calumny. But notwithstanding the advantage which truth and justice had given to his noble friend on this sudden and unprovoked attack upon his character, what was the situation in which the present charges had placed him, compared with his unnamed accusers? They who, perhaps, had shared in repeated pardons, who had hid their heads beneath a general amnesty; what is the general use now made of their immunity from punishment? Pardoned traitors, who are indebted for their safety, perhaps for their existence, to the clemency of his noble friend, were produced as his accusers, as witnesses on whose evidence he was to have been convicted, if, in his oblivion of the heats and animosities of those days, he had also (as well he might) cast aside the

memory of his own individual acts, and of the means of his own justification. If the Legislature had consented to bury in oblivion the crimes of rebellion, was it too much to expect, that they who owed all to that circumstance, should also permit theirs to be forgotten? Was it too much to expect, that after twenty years, rebels themselves should forgive to the Irish Government the crime of having forgiven them? On this part of the subject, there was one circumstance which the personal delicacy of his noble friend, particularly with regard to one individual, had hindered him from mentioning. His noble friend, on the change of Government from Lord Camden to Lord Cornwallis, had made strenuous and successful exertions to screen one convicted libeller from the remnant of his merited punishment, and the House had that night witnessed the reward of those exertions.

If the manner of introducing this personal attack has been extraordinary, the occasion on which it was brought forward was not less remarkable, nor less deserving of censure. Was there, he would ask, a single member in the House, not previously informed of what had been intended by the present motion, who would have supposed, from the notice given by the honourable and learned gentleman, that it was to be made the vehicle of a personal attack on his noble friend? Was there one member who could for a moment have imagined, that instead of a retrospect of the business of the session, and perhaps a general censure of the conduct of Ministers, he should be obliged to listen to a gross personal attack on one individual? An attack which, had not that noble person been fortunately enabled from recollection of circumstances to repel it, might have consigned him to a misconstruction of five months—to the obloquy of a whole recess—during which he might have been held up to the contempt and abhorrence of his fellow-

subjects. He would, however, do the honourable and learned mover of the Address the justice to say, that he had only sketched the outline, which the honourable members who followed him had filled up. But did it, or could it, enter into the mind of any man, that even if the avowed object of the motion had been (what it was not) to examine the conduct of His Majesty's Ministers of the present day, he should hear only an inquiry into the conduct of the Government of the year 1797? If no consideration of justice to his noble friend could have weight with gentlemen on the other side, was the conduct of the Government in Ireland (if that were to be made matter of inquiry) of such trifling import as to be thus introduced collaterally, and without any previous notice? Did gentlemen conceive that the conduct of successive Administrations in Ireland, twenty years ago, was of such notoriety, and so fresh in the memories of all, that facts and dates could be quoted as if they were the occurrences of the last month? If these matters, therefore, were to be discussed at all, were they not of importance enough to engage the attention of the House separately, and to be brought before them upon due notice and with due deliberation?

He would admit, with the honourable member (Mr. W. Smith), that a reference to the affairs of Ireland, at the period alluded to, might afford a warning lesson to future Governments; but he denied that it was such a lesson as that honourable member inculcated. The example of Ireland did, indeed, show how cautiously the executive power should watch the slightest indication of an approach to that condition in which, for want of sufficient authority and protection in the state, man takes arms against his fellow man, in civil contest. It showed how promptly it was the duty of a Government to come forward on the first menace of such an alarm, with precautionary measures to insure

the public tranquillity. Had the subject been introduced at an earlier period of the present session, it might, therefore, have been useful in stimulating Parliament to adopt measures adequate to the suppression of rebellion in its infancy. But, except for such purpose, it would, he must confess, be difficult to conceive its utility. He knew no lesson of moral or political utility that could be derived from the contemplation of sufferings and inflictions that make the heart shudder—from exhibiting in detail those violences and cruelties, of which, whoever were the perpetrators, the nation must seek to efface from the feelings of this generation, and from the recollection of mankind (if possible) the sorrow and the shame.

He should now say a word or two on the proposed Address. In his opinion, were even all the matters that it contained in themselves unobjectionable, it would be a sufficient ground for its rejection by the House, that, professing to be a faithful review of the proceedings of the session, it omitted many most material transactions of the session altogether. Many, and those (he thought) the most remarkable of the decisions of the House, were wholly passed by. Was it not somewhat strange, for instance—did it not, he would add, show some want of respect to the noble lord (Cochrane) and the honourable baronet (Sir F. Burdett), his colleague, the members for Westminster—might it not disappoint, in a great degree, their hopes of future fame—that on the subject of Parliamentary Reform—that one great and important topic, on which they had bestowed so much of their valuable labour—the Address should be silent as the grave? Was it not wonderful that that interesting question, with speeches on which the House rung at the early period of the session, should now be thrown into oblivion, as if its honourable and learned advocate were ashamed of his half-adopted child? Surely the noble lord (Cochrane) and the

honourable baronet (Burdett) must deeply deplore that not even an allusion had been made to the countless petitions which they had the honour of presenting in favour of universal suffrage, and annual Parliaments. That fatal omission would be a sufficient reason for his (Mr. Canning's) voting against the present Address. He had no objection to a statement (call it address if you will) being made at the end of the session, as a review of the proceedings of Parliament, and as a counterpart to the speech from the throne; but it was quite essential to such an Address that it should contain an accurate review of those proceedings. Great care should be taken that if such a practice were to be established, the precedent should, in the first instance, be scrupulously correct. But what was the instance before the House? Could this Address be called a fair review of the labours of the House since the opening of the session? What was the business with which the session opened—and with what was it occupied day after day, week after week, and month after month, without respite or intermission?—With petitions for reform in Parliament—poured in by hundreds at the door, and raised in pyramids upon the table. These, though nominally for the same object, exhibited, nevertheless, that beautiful diversity by which the House was relieved in some degree from the tediousness of repetition. Of them it might be truly said—

"————Facies non omnibus una,
Nec diversa tamen, qualem decet esse sororum."

Exactly alike assuredly they were not; but there was such a resemblance as well became the children of the same parent—the works of the same hand.—There was in truth a wonderful sympathy in this respect between the most remote parts of the country; a miraculous conformity of

thought and action among all the sentient puppets in various and distant provinces, which were kept in motion by the skilful master of the show in town. The pulsations in the extremities responded with surprising regularity (by the intervention of the mail coaches) to the beating of the old heart in the centre. But all these important considerations seemed to have been forgotten by the honourable and learned member. When he took his Pisgah retrospect of the session and its business, gazing at it as a land of promise (which, however, had not been, and in the honourable and learned gentleman's sense, God forbid that it should become a land of performance), the honourable and learned gentleman, standing on the lofty eminence to which his imagination had raised him, had altogether overlooked that mountain of petitions which he and his friends had piled upon the floor. Was it possible that the noble lord or the honourable baronet could be contented to adopt an Address so defective? To recognize a portrait, of which the most prominent feature—the very nose was left out? How was it possible to account for the fatal deficiency? The mystery was one which he believed it would puzzle the sagacity of even the worthy magistrate opposite (the lord mayor) to solve.

If he recollected rightly, Pope, or some earlier poet, had these lines,—

> "Authors lose half the praise they would have got,
> Did but their readers know how much they blot;"

and most applicable were they to the Address before the House. Judging from the many erasures, alterations, blots, and blurs, he should take it to be the work of many heads, and of many hands,—and it formed a singular illustration of the honourable and learned mover's notions of political

economy. The division of labour was, the House knew, the true principle of successful workmanship. But with the venerable major at his side, was it not somewhat singular that the honourable and learned gentleman should have divided the labour so unequally and unfairly as to have assigned to his ancient and respectable friend, the manufacturer of five hundred or perhaps five hundred thousand petitions for parliamentary reform, while he himself, and all his able co-adjutors, should employ themselves upon an Address, which at last was but a wretched specimen of composition and penmanship?

Generally speaking, nothing was more easy than the drawing up of an Address on the opposite side of the House. It was only necessary that the parties should agree upon some certain point of crimination against Ministers;—that they should remain firm in the negation of some general principle, or in attack upon some particular measure. It was an old and a very wise observation of a celebrated leader in that House, that opposition should never venture from the negative to the affirmative; and he (Mr. Canning) thought that it was this principle which must have operated with the framers of the present Address, to avoid launching forth on the boundless sea of parliamentary reform. No unanimity could be hoped for among them on that question. Indeed, he could not conceive a more amusing scene than would have been presented by this attempt to turn a sentence upon that subject, with which they might all be satisfied. There were first the noble lord (Cochrane), and the honourable baronet (Burdett), who went straight forward for annual parliaments and universal suffrage—that constitutional system of representation, simple and pure as it existed in the days of Hugo the Great—the conqueror of the Picts. That celebrated legislator, as every member of the House knew, while he built the great wall with one hand, dispensed

universal suffrage with the other. A true reformer of the good old school. Such (Mr. Canning presumed) was a fair specimen of the historical truth for which the House was indebted to the valuable antiquarian researches of the honourable baronet (Burdett) and his followers. Coming down, however, to more modern times, it was found, that certain Anti-Hugonians existed, who quarrelled with universal suffrage, and even had the hardihood to dispute its existence, as a vital principle of the constitution, and to doubt whether it was indeed for this invaluable blessing that the Picts painted themselves, the Saxons fought, or the Normans conquered. It was doubted even by some obstinate controvertists whether the much-calumniated curfew might not have been the signal for an annual election. Here were points of difference enough to embroil the radical reformers!—but, alas! after all their historical and constitutional knowledge had been adjusted and moulded by their common consent, into one grand sentence on reform —then would come the moderate reformers, and quarrel with all their learning—speaking most irreverently of the talents and erudition by which it had been brought to light. They, disregarding the wisdom of their able coadjutors, would hold that annual parliaments meant annual disturbances, and universal suffrage, general disorganization. If *they* were to agree to the Address, the sentence as framed by their two friends of Westminster must be erased altogether, without substituting any thing very definite in its room. Last would follow the honourable and learned mover of the Address himself, with an opinion differing wholly from those of most of his friends, and having a shade which distinguished it from all. Like a conqueror who "led many nations to battle, whom he had previously reduced to humiliation in the field," his ranks were filled (as the House perceived) by those whose doctrines and

opinions on reform he had scouted in a strain of irony, contempt, and ridicule, which he (Mr. Canning) could never attempt to imitate, and which it might not be safe for any member but himself to employ. He (Mr. Canning believed) was for a right of voting commensurate with taxation; but whether with direct taxation or taxation with "direct" omitted, was not (Mr. Canning thought) quite so clear. Thus it was that there could be no agreement as to the sentence in which the proceedings of the House respecting parliamentary reform were to be recorded; and hence the subject which had been the daily food of the House,—that question with which the session began, continued, and, but for the present motion, would have ended —had been altogether left out of this most comprehensive and elaborate Address.

This he should hold to be a fatal objection to the Address, if he agreed with those who thought parliamentary reform essential to the salvation of the country: but with his opinions, how much more strongly must he object to an omission which excluded that part of the labours of the House which he conceived to be the proudest and most magnanimous proceeding of the session—which failed to record that whatever dangers impended over the country, whatever menaces had been not obscurely intimated to the House, unless they should fall in with the views of the reformers, the House nevertheless had stood firmly by the constitution, and had indignantly rejected those measures of innovation which, if encouraged, would have led to its subversion.

But this was not his only objection to the Address. He objected to it farther, because it did not embrace a fair view of the present state of the country. It alluded strongly to the distress which had existed, and which (it would inculcate) still existed, but it made no mention of the hope which the present time held forth of a speedy amelioration.

He would admit with the honourable and learned mover, that distress, severe and extensive, had existed; he would also admit that a part of it might have been produced by removable causes, but he could not shut his eyes to the conviction that the far greater part of what distress had existed had arisen from causes over which human power had no control. And though designing and evil-minded individuals had endeavoured to turn those public misfortunes into so many sources of disaffection and despondency, yet, God be thanked, the gloom thus created had begun to subside. A bad harvest in one year had enhanced, perhaps had created, in no small degree, the difficulties of the country; but the fair promise of the approaching harvest, warranted the most sanguine hopes that those difficulties would, in a short time, be removed. He could not, therefore, consent to an Address in which those facts relative to our situation were not accurately stated. It would be a most culpable oversight if, in sending forth a retrospect of our despondency, the House did not notice at the same time the more bright and cheering prospect which had begun to break upon the country.

But besides those omissions to which he had before alluded, there were others not less objectionable. What were the several subjects to which the voice of the people had, at the commencement of the session more particularly called the attention of Parliament. It was ever easy to distinguish between the genuine sentiments of the people and the clamours of the seditious; and if ever those sentiments had come fairly before the House, most undoubtedly the call of the people at the commencement of this session for retrenchment in the public expenditure, for the abolition of sinecures, and for some revision of the poor laws, was loud, general, and genuine. The fourth question (which he, Mr. Canning, had already disposed of), to which, by great con-

trivance and intrigue, a clamour resembling the voice of the people, but he was confident only resembling it, had been improperly attached — was parliamentary reform. Leaving the other topics for a moment, he again asked whether the ill success of that proposal was considered as a grievance? If so, why was it not mentioned in the Address? As it had not been so mentioned, the House might naturally conclude that in the opinion of the honourable and learned mover himself, Parliament had decided most wisely against parliamentary reform. [A member on the opposition side, Mr. W. Smith, was observed to smile. Mr. C. continued.] He perceived by the incipient smile on the lips of the honourable member, that he did not agree with that assertion. If so, there was the Address, and let the honourable member move an amendment to it, expressive of his opinion that the rejection of parliamentary reform was a grievance. If he did not do so, he (Mr. C.) must take it for granted, that he also approved of the decision upon reform. Upon the other subjects, on which, as he had admitted, the genuine voice of the people had been heard, he would ask the honourable and learned gentleman had the House been inactive? The consideration of the poor laws had occupied a very large portion of the time and attention of Parliament, and though no immediate legislative measure had resulted from their labours, yet still the fruits of those labours had not been inconsiderable or unimportant. Much had been done in the information laid before the Select Committee, to facilitate any measure which might be deemed necessary in the ensuing session. The time and opportunity afforded by the recess would give members the best means of ascertaining its accuracy from local inquiry. He believed that there were few—not even the honourable and learned mover—who would think that Parliament had been remiss because it had not hurried

through any legislative enactment on a subject of such magnitude and importance as the poor laws. But notwithstanding the admitted utility of what had thus been done, the Address did not contain a word upon the subject, though it purported to be a review of the whole business of the session. With respect to retrenchment, a great deal had been done in almost every department of the state. He would admit that, low as the expenditure might be reduced, and closely as it might be pared, there would still be found some persons disposed to maintain that it might be cut still lower and closer; yet he appealed to the House whether, even before the call of the people—before the Committee of Finance had commenced its inquiries, Ministers had not shown every disposition to diminish the expenditure to the lowest possible scale? He asked whether, after the House was in full possession of the subject, and after it had been examined in detail, Ministers had not evinced their perfect acquiescence in those reductions which had been suggested, or which could reasonably be desired?

With regard to sinecures, had nothing been done to satisfy the wishes of the people? Had no bills passed the House abolishing or regulating almost all those obnoxious places, about the existence of which so much clamour had been excited? Had the honourable and learned mover of the Address already forgotten the part which he had taken in the discussions on those bills? Or was it because they were wholly effaced from his memory, that he made no mention whatever of them in his Address—in his retrospective Address to the throne? If that Address were adopted, what would be the perplexity of the future historian who might wish to hand down the transactions of the present day to a more distant age? What would not be his amazement when, after pouring over scattered re-

cords, and searching statutes with imperfect indexes, he should find that sinecures had existed for centuries—that they had been the cause of much dispute and great political difference for years—that session after session the abolition of them had been attempted in vain—but that at length, in the year 1817, they were abolished; and that in that year there lived a sagacious seer, who, taking upon himself to characterize parliaments, and to purvey for history, had yet been so little alive to the importance attached to sinecures in the public feeling, as to omit any mention of their abolition in his retrospect of the transactions of the session? The abolition of sinecures had been a favourite theme with some of the honourable members opposite in 1810 and 1811; he (Mr. C.) voted in that year for the bill introduced by an honourable gentleman (Mr. Bankes). He thought at that time, as he thought now, that there was more of mistake than of sound policy in the cry for abolition; yet he voted for it because he conceived it expedient to get rid of what was become, in the eyes of the people (whether justly or unjustly), in some degree a blot in our political system. He should not, however, have given his support to that bill, had it not preserved to the Crown a power of remunerating faithful public services, proportioned to that which it took away.

He (Mr. C.) remembered well with what acclamations of thankfulness his vote was then received by the honourable members opposite. They were then quite enthusiastic in favour of a measure which was described as the most important that had ever passed the House. That measure was the bantling of the honourable member's (Mr. Bankes) begetting; and though it might have been a little ricketty in its infancy, it was amusing to perceive the tenderness with which it was nursed by gentlemen on the other side, and to learn the extraordinary hopes which were conceived

of its maturity: Every tongue and every pen over which the honourable members had any influence, ran riot in the praises of this new measure. It was the theme of popular declamation in every moving rostrum all over the country. Old women were almost mad with joy, and devoutly believed that heaven would rain down manna on them, provided Lord Camden was stripped of his tellership. But how striking was the contrast now? No sooner did the Government come into the measure, than all that enthusiasm in favour of it among the honourable gentlemen opposite instantaneously subsided. With what repulsion had it not been met this year on the other side of the House? They who, in 1810 and 1813, were so ardent in support of it, now turned from it with contempt. Sinecures had now been abolished, on better terms than by the bill of 1813; but that abolition, which was then to be omnipotent for the public good, was now represented as altogether insignificant and unimportant. He (Mr. C.) recollected in that admirable work, from which (though, perhaps, he ought to be ashamed to confess that his taste was so infantine) he could still derive delight, second only to that afforded by the classics; in the Arabian Nights' Entertainments, he recollected to have read of a casket which a fisherman dragged up from the sea, from which, when opened, sprang a giant ninety feet high! Presently the giant shrunk into the casket again, was sealed up, and flung into the sea. Not more extravagant was the exaggeration of the benefit to be derived from a bill abolishing sinecures. Not more suddenly had that expected benefit shrunk into nothing when the seal of Government had been placed upon the measure; and the honourable gentleman would willingly fling it into the ocean of forgotten things, to be wondered at and talked of no more.

In addition to these salutary measures of economical

retrenchment, was it no consolation to the people, was it no marking feature in the session, that the services of the year, prophesied to be utterly unprovidable, had been provided for without any fresh burthen of taxes? Was it nothing, in more than a financial point of view, that the funds, the index of public credit, had risen nearly twenty per cent. during this session of despondency and alarm? Was not that circumstance alone a satisfactory refutation of the gloomy lamentings over our prostrate Constitution? When improvement of public credit grew out of the deterioration of public liberty? He should like to hear the honourable and learned gentleman descant upon this subject; he should like to hear him show, as he no doubt would do, with an energy and eloquence peculiarly adapted to the topic, how God and nature had connected political freedom with financial prosperity, and disjoined public credit from slavery for ever. But were there no other impediments to public credit?—Could it consist with slavery?—No. Could it consist with anarchy?—Just as little. And just in that proportion and on that principle it was that public credit, which in January was weakly and unconfirmed—wavering with every blast of popular violence and public alarm—had gradually gathered strength from the decisions of Parliament; had grown and thriven under those measures which the honourable and learned gentleman denounced as in their nature destructive of all freedom: and had thus testified, by no erring evidence, to the true character of those measures as conservatory of that pure and hallowed blessing —a temperate and rational liberty—which the madness of revolutionary doctrines, and the subtle machinations of treason, are no less calculated than the sternest despotism, to endanger, and, if successful, to extinguish.

Were there no other indications of this happy change from the beginning to the end of the session—no other

evidence, that the nation, properly so called, looked on that interval, and on the fruits of it, with other eyes than those of the honourable and learned gentleman? Such indications, such evidences met us wherever we turned our eyes. Observe the signs of the times;—and let the line of an ever-living poet describe them as they were at the beginning of the session—

"Good men look sad—while ruffians dance and leap."

So it was in January. How stands the contrast in July? Was not the ruffian now abashed? and did not the good man feel confident in his security? And to what was this contrast owing? to what, mainly, but to those proceedings of Parliament which the honourable and learned gentleman had condemned, and to those which he had omitted in his proposed Address: to the vigour with which Parliament had enacted what was necessary, and to the firmness with which it had rejected what was pregnant with ruin.

Such, in his conscience, he believed to be the fruits of this calumniated session; such was the true character which history would assign to it. After the performance of their tasks the House might separate with a consciousness of well doing, and might meet their constituents, with an honest assurance of approbation. For his own part, he should have no difficulty in declaring to a body of constituents as numerous as those by which most gentlemen were sent to that House, and as capable as any of estimating the value of public measures, and the declarations of public men, to the temper, firmness, and fortitude of Parliament —to its patient diligence—its measured concessions to the true sense of the people—and its vigorous resistance to the mischiefs attempted in their name, the country was indebted, under Providence, for the happy change now taking

place in its affairs:—for the security of the kingdom's peace, and for the salvation and support of the Constitution.

The Address was negatived.

INDEMNITY BILL.

MARCH 11th, 1818.

In the debate on the order of the day being read for going into a Committee on the Indemnity Bill,—

Mr. Canning—Sir,—Were I to adhere to the doctrine which I advanced on a former night, that it is unnecessary for Ministers to take part in a discussion in which, without any arguments of theirs, the balance turned decidedly in their favour, I might well abstain from troubling the House or myself on the present occasion: but as the question under consideration in some degree personally involves the members of Administration, it may be proper, to obviate the inference which might be drawn from our silence, that we shrink from a debate in which the propriety of our conduct is implicated.

It has been truly stated by an honourable gentleman (Mr. Lamb), that an Indemnity Bill does

not necessarily and inevitably grow out of a bill for the suspension of the Habeas Corpus: but it grows out of the same circumstances of the country which occasioned the Suspension Bill itself. There may, for instance, be persons, who, exerting themselves strenuously and faithfully for the public safety, have, before the suspension, perhaps overstepped the strict limits of the law. Are not they to be protected and indemnified? There are others who having, after the suspension, acted conformably to that law, would nevertheless be unable to make their defence, or to offer their justification without a disclosure of evidence that might be attended not only with inconvenience, but with positive danger. These two objects the bill before the House has in view; it is true, therefore, that a case might be imagined, that cases have occurred, in which, without a previous supension of the Habeas Corpus, a Bill of Indemnity might be a measure of justice; and that in this sense the Indemnity Bill is not the necessary consequence of the suspension of the Habeas Corpus. Of all men living, however, the honourable and learned gentleman who spoke last (Mr. Brougham), is the last person who ought to avail himself of this distinction, if it were more material and substantive than it is; for that honourable and learned gentleman, when defeated last year in two efforts to prevent the suspension, consoled himself with the prospect of the opposition that he should make to

the Bill of Indemnity: in his mind, therefore, such a bill is intimately, if not inseparably connected with the suspension of the Habeas Corpus Act. The correct statement, however, undoubtedly is, that the necessity for a Bill of Indemnity, grows out of the state of the country, in which necessity the Suspension Act originated. This state of the country rendered it necessary for those who acted under the Government, if they meant to do their duty, to outstrip the limits of the law. The same state of things induced the House to make a temporary sacrifice of that portion of our liberties, which consisted in a right to trial after committal. To indemnify for acts beyond the law, in the first case, and to dispense with the necessity of justifying acts in themselves legal, but not legally proveable except by evidence that cannot be disclosed, in the second case, is the purpose of the Indemnity Bill; which, as far as the second case is concerned, and so far only, is a consequence of the suspension of the Habeas Corpus Act.

It has been most justly remarked by one honourable gentleman, that the fair issue before the House is not merely whether this bill shall be passed; whether the suggestions of the House of Lords shall be attended to by adopting this Bill of Indemity; but whether the House shall retort upon the Lords, instead of indemnity, impeachment. If an abuse of the powers confided to

Ministers is established, no man can dispute that a fair case is made out for impeachment. The uniform cry on the other side is, "give us an inquiry; let us prove our case; let us call witnesses to the bar to establish the abuse and the necessity of an impeachment," forgetting that this is completely begging the question. This objection, if taken at all, ought to have been taken last year, when the bill for the authorizing the Crown to detain persons without bringing them to trial, was first brought before the House: it now comes too late. The bill now before Parliament, is to prevent inquiry as tending to dangerous disclosures; and those who on this ground oppose it, argue in a vicious circle. "Let us have inquiry, let us complete the trial of those who were by Parliament directed to be detained without trial, and then we will shew you that the powers given to you have been abused." The House, however, has too much good sense to be thus misled; and will not now undo what last year it so deliberately determined.

Without either accepting or declining the challenge to argue this measure on the ground of precedent, I may admit that precedents, precise and accurate in all particulars, it is neither easy nor necessary to find. The infinite variety of modifications, of which human concerns are susceptible, forbid the expectation of so strict a coincidence of circumstances. But as to one main point, as to

the real meaning and intent of a suspension of the Habeas Corpus, as to the fact that the very essence of that measure is not proof of guilt by process of law, but detention without trial, one precedent, being that of the first Suspension Act after the revolution, is conclusive. The other side of the House (however intensely Whig) will no doubt allow the first year of William III. to be good times. In that session a message was presented to the House of Commons by Mr. Hampden (a name which, if possible, would render the proceeding more whiggish) to this effect, "That His Majesty being credibly informed that there are several persons in and about this town, that keep private meetings and cabals to conspire against the Government, and for the assistance of the late King James, His Majesty has caused some of those persons to be apprehended and secured, upon suspicion of high treason; and that he thinks he may see cause to do so by others, within a little time; but that His Majesty is between two great difficulties in this case; for that if he should set those persons at liberty that are apprehended, he would be wanting to his own safety, and the safety of his Government and people; on the other hand, if he should detain them, he is unwilling to do any thing but what shall be fully warranted by law. His Majesty therefore thought fit to ask the advice of this House therein."

The immediate result of this application was a

bill to empower His Majesty to arrest and detain persons whom he might suspect of conspiring against his person and Government; in short, what is popularly called a suspension of the Habeas Corpus; expressly recognizing the propriety of not bringing to trial those who might be so arrested and detained. Such was the first proceeding on this subject of a Whig Parliament, a Whig Ministry, and a Whig King.

To call for inquiry, therefore, or in other words, for trial, in the instances of those persons who have been detained under the Suspension Act, is plainly and simply to argue retrospectively against the Act itself; to call upon Parliament to retrace its steps, or, more unjustifiably still, to try the conduct of Ministers by a rule the very reverse of that which Parliament has laid down for them. I repeat, if Ministers have abused the power which this Act furnishes them with, far be it from me to say that they ought not to be called to account, but it is for the abuse only, not for the use of that power—the power of detention without trial—that they are responsible.

It is complained, Sir, that the House has neglected the remonstrances of the people, that the injured and oppressed are driven from the bar unheard, and that men who have grievously suffered are not permitted to obtain redress. No doubt every man who has been arrested under

the Suspension Act will come to the bar and swear—no, not swear, but say that he had been most cruelly and unjustly treated; that he was the most innocent and the most injured of mankind, and that his merits only had pointed him out for persecution; that he had been exposed to the most cruel tortures, and that all his calamities were to be attributed to Oliver the spy. In the head and front of this phalanx of petitioners, (and it is to be supposed that the honourable members on the other side have not been so far wanting in Parliamentary tactics as not to select the best case to make the first impression) stands that renowned gentleman, and instigator of murder, Mr. Francis Ward. True it is, that he is now abandoned, "*deserted in his utmost need*," because his friends, or rather the supporters of his petition, find it convenient for their argument to do so; not, however, before his crimes have been detected, and his character blasted; then, and not till then, he was expelled from their company; and instead of calling, as they had done, for the sympathy of the House, for its compassion, for its tears, over the sufferings of this admirable and amiable being, the other side have dropped his name entirely, or merely insist that the merits or demerits of this Luddite—this hirer of assassins—this instigator to murder and rebellion, have nothing to do with the other petitioners. Assuredly the case of Mr. Ward was not pre-

cisely that on which the House of Commons would think fit to impeach the Government. Ward and all his patient sufferings being thus abandoned, next, with all the pomp of eloquence, and all the flexibility of pathos was introduced, the revered and ruptured Ogden;* his

* It is but proper and befitting that some explanatory observations should accompany this passage of Mr. Canning's speech, as a construction has been eagerly assigned to it by his enemies, different and remote from its obvious and intended meaning. In the first place, it is right to state that this speech was not revised by Mr. Canning. Secondly, it should be borne in mind, by those who may object to this passage of it as one at variance with the elegance and propriety of taste which distinguish his speeches, that the topic was not of Mr. Canning's own choosing, but was suggested, and forced upon his attention, by Ogden's petition, the details of which were as disgusting as they were false.

The *Morning Chronicle* was the only newspaper in which, on the morning after the debate, the epithet "ruptured" was reported. The reports in the other morning newspapers substantially accord with the passage as it is reported in the *Morning Chronicle*, only that in the *Times* and *Morning Post* "the ever-to-be revered and unhappy" and "the revered" appear, as the sentence is severally reported in these newspapers.—This discrepancy in the reports has given rise to some doubt whether Mr. Canning uttered the epithet "ruptured." It is now retained in the text, because it is undoubtedly the correct one. Mr. Canning did not disavow it.

There is no expression that ever fell from his lips, which has been more industriously misrepresented than this. It is impossible, however to read this part of the speech, and not to see that Mr. Canning's ridicule was not directed (as represented by his enemies) at the sufferings of an afflicted individual; but at those, who founded a grave accusation against the Government, upon the false averment in Ogden's Petition, that his rupture had been pro-

name was pronounced with all the veneration belonging to virtuous age and silver hairs; and yet, on inquiry, what did his case turn out to be, but that he had been cured of a rupture at the

duced by the severity of his confinement, when, in reality, it had been of many years standing, and moreover was *cured* during that confinement.

In 1820, Mr. Canning was charged on the hustings at Liverpool with having spoken this passage of his speech on the Indemnity Bill, in the spirit of an unseasonable and unworthy ridicule. His manly refutation of the charge furnishes a satisfactory explanation of the scope and tendency of his observations: it satisfied his constituency at the time that the mockery of human infirmity was foreign from his mind, and in the dispassionate estimation of every candid person must rescue his character and memory from the disgrace of so cruel and unjust an imputation. It is the best and most obvious commentary that can be made upon the text of this passage:—

"From the enactments and debates of the last session, the honour-"able gentleman (Mr. Rushton) has gone back still farther, to the "discussions of a former session; and has taxed me, quite fairly, I "allow, and not uncivilly, though with all the vehemence with which "it was natural that he should insist upon a topic which has been "made, for some years, a subject of calumny against me. He has "taxed me with certain expressions of mine, respecting the case "of an individual taken up under the suspension of the Habeas "Corpus. I will state to the honourable gentleman, for he seems to "be altogether uninformed of it, the course of my argument on that "occasion. I was exposing the frauds and falsehoods which had been "palmed upon the House of Commons in certain statements which "had been made to them, and in certain petitions which had been "presented from individuals, complaining of the treatment which "they had endured under the Suspension Act. Of these falsehoods I "selected three, as peculiarly gross and unjustifiable, and as, fortu-"nately, susceptible of being brought to the test of the most decisive

public expense? The greater part of the petition of this ill-used personage consisted of a nice and particular description of the manner in which his extruded bowels writhed round the knife of the surgeon; and it is impossible to forget the general

"contradiction. The third is that to which the gentleman has alluded;
"and the particulars of which were as follow:—A petition had been
"presented from a man whose name he has mentioned, stating that
"the irons with which he had been loaded, when taken into custody,
"had brought on that complaint under which he described himself
"as labouring. It was distinctly stated in that petition, not that,
"having such a complaint upon him, he was nevertheless taken up,
"(as the gentleman seems to imagine,) but that the apprehension
"and restraint had produced on this poor man so terrible a calamity.
"The petition went on to describe the process of an operation,
"rendered necessary in this case, with all the disgusting detail of
"chirurgical particularity. It was quite obvious, that this descrip-
"tion was intended to inflame the minds of all who should hear it
"against the supposed authors of the calamity under which the poor
"man laboured, and, by necessary inference, of the sufferings inci-
"dent to the treatment of it. I made inquiry into the matter of this
"petition, and communications were voluntarily made to me, from
"which I learnt, to my infinite astonishment, that, so far from its
"being the effect of his irons, and the immediate consequence, there-
"fore, of his confinement, the man had been afflicted with his com-
"plaint for about twenty years; and that, so far from being aggra-
"vated by his imprisonment, he had, during that imprisonment, been
"cured at the public expense. Nay, I learnt, on what I believed,
"and still believe, to be incontestible authority, that, in the first
"moment of his liberation, he had expressed his gratitude for the
"care which had been taken of him; and that it was not till some
"time afterwards, and upon mature reflection or advice, that he was
"induced to accuse government as the author of his long-standing
"disease. Could any thing be more gross than such an imposture?

shudder felt by the House when that part of the petition was read: yet the plain truth was, that this man had laboured under this affliction (asserted in the petition to have been produced by the severity of his confinement) many years; and that he took advantage of his imprisonment to have it cured *gratis*, expressing afterwards to his friends and relatives the comfort and delight which he experienced on being thus made a new man again.* His case might be a very fit case for

"The calamity was itself grievous enough; but was it not shameful "to ascribe to harsh and cruel treatment the result of natural infir- "mity? And, if I indignantly exposed the baseness of such a fraud, "is it to be inferred that I was, more than any man who heard me "then, or who hears me now, insensible to human suffering? Those "who draw such an inference are guilty of a gross calumny against "me. If, in expressing a just indignation at such a fraud, any "words escaped me which could, in any fair mind, be liable to a "misconstruction, I am sorry for it; but I bate no jot of the indig- "nation which I then expressed. I think now, as I thought then, "that this case, in the shape in which it was brought before the "House of Commons, was a foul and wicked attempt to mislead and "to inflame. To that statement I immoveably adhere."

* Nothing can elucidate OGDEN so clearly as *himself*. After describing in his petition the indignity with which he was treated at Manchester, upon his arrest, and the suddenness of his being "posted off for London," MR. OGDEN thus expresses himself: — "The ponderous irons the petitioner was loaded with *broke his belly*, and caused an hernia to ensue *about eight o'clock in the evening when going to bed;* and it was impossible to alarm the gaoler. The petitioner remained in that dreadful state *more than sixteen hours*, in the most excruciating torture. *On the turnkey appearing in the morning two surgeons were sent for, who, after using such means as seemed to them neces-*

the Rupture Society; but to require the decision of Parliament upon it, was such a daring attempt upon its credulity, as would probably be never again attempted. What has Parliament to do with such a case, except it had arisen out of the abuse of Parliamentary enactment?—an inference, in this instance, grossly and notoriously untrue.

sary, found nothing would do but the knife, and apprehended from the petitioner's age (74), *he should die under the severe operation.* The pain he endured was so great, that he insisted on that means being resorted to; *they unwillingly commenced the operation, which continued for one hour and forty minutes;* and, praised be God, and the skill of the surgeons, the petitioner survived it," &c. &c.

It is impossible that any reader, crediting OGDEN'S petition,—and attending particularly to the passages marked in italics, *could doubt* that his rupture was produced by his journey from Manchester to Horsemonger-lane gaol, "loaded with ponderous irons," that it occurred "*about eight o'clock, in the evening*" after his arrival in London—and was followed *in* "*the morning* after" by that operation, for the success of which, OGDEN offers his grateful praise to God and the surgeons. The text of his petition admits of *no other* inference.

But what *must be* the execration of every honest man at learning the facts—that the disease had actually been *of more than twenty years standing;* and that the auspicious operation, so far from being performed the morning immediately succeeding his imprisonment, did not take place "*till four months after that incident —the entire interval from the 18th of March, the day on which his fetters were removed, to the 27th of July, the day on which the operation was performed,*" being fraudulently skipped over, in order to deceive the House of Commons. Besides, in his private communications to his friends, OGDEN blessed his stars for being, by his cure, made as he expressed himself to the gaoler, "*a better man than he had been for twenty years before,*" and

It may be said that I have not gone through the whole of the petitions, but I have followed the gentlemen on the other side in their selection. Ward's case was relied on so long as it was maintainable; and it was afterwards bolstered up with this case of gratuitous surgery. But these petitions, when they failed, were supported by a cart-load of others, till the tricks, and frauds, and impostures tried upon the House became obvious to all mankind, except to those who were selected to bring them forward. But if the House had been duped by these gross misrepresentations, if the House had unluckily suffered itself to be imposed upon by impudence of assertion, it would not have had the consolation of being pitied for its weakness, without the bitter aggravation of being laughed at for its simplicity.

Having thus happily established a case of persecuted innocence in the case of the immaculate Ward, and of refined cruelty in that of the healed and grateful Ogden, the third class of grievances (I will give one instance out of each class) was

(after stating "*the courtesy and attention*" which he experienced from the Privy Council—"*the hospitable manner*" of his treatment in the prison—the excellence of his fare—the humanity of the governor—and his own improvement, even in religion)—concluded a letter from Horsemonger prison to his wife, in these words:—"Dear wife, *have no fear for me, I am in good hands:*" as also in a communication to *Lord Sidmouth*, dated in January last, used this sentence—"*I have no complaint to make against the regal government whatsoever,*" yet was afterwards capable of the base abuse of the right of petition which is manifest from the imposture of his principal allegations.

directed to the connecting Government with spies. The case selected for this purpose was singularly felicitous. It was stated that a man named Dewhurst, a supposed spy, was seen in a gig belonging to Sir John Byng. This was maintained as a grave fact; true, it was retracted a week afterwards. Mr. Ward's positions had all been retracted; and give a week more, and there was nothing which would not be retracted, as far as related to the petitions. The legislature, however, cannot halt for this retraction, and must judge for itself on the probabilities as they appear before it. Half of the charges which have been made in the petitions have gone off by the confessions of those who presented them; and it does seem a little whimsical that Parliament is to take the other half for granted. The proposition regarding Dewhurst had two tangible parts: first, Dewhurst; secondly, gig. Now, shortly after this statement, there came from Sir John Byng, not a *verbosa et grandis epistola*, but a very pithy note, stating, 1st. "There is no such person as Dewhurst;" 2ndly, "I have no gig." The legal axiom referred to by the learned opener of the debate is here quite in point—*de non apparentibus et non existentibus eadem est ratio;* unless it could be shown that the rule was different where, as in this instance, there were two non-entities: two negatives make an affirmative, so two non-entities may, in the understanding of some honourable gentlemen, make an entity. I remember a story told

by Mr. Fox, which was illustrative of a similar position. It referred to a period when persons on the Continent were not so well informed as at present upon matters of geography. At that time some foreigners had a notion that there was a road to England without crossing the sea; that though it was a long way about, yet that it *was* possible, by going far enough north, to reach England by land. A gentleman of Naples once asked an English traveller, whether it was not practicable to travel to England from Sicily by land? "Certainly not," said the Englishman; "you know that you cannot go to England even from Naples without crossing the sea." "That is very true," replied the Italian, "but Sicily is an island too." So with regard to this story. If Dewhurst had existed without the gig, or the gig without Dewhurst, the impossibility of the story would have been admitted; but as there was no Dewhurst and no gig, both being in the same predicament, nothing was more easy than to establish a connection between them.

After the experience of Ward, Ogden, and Dewhurst, it was certainly dangerous for the accusers of Government to mention names, and accordingly for the last week we have had nothing but offers of anonymous testimony.

An honourable gentleman now unfortunately not present in the House (to whom therefore I will not allude further than to quote the fact of his

assertion) has stated that he would prove that Oliver had early declared to a respectable gentleman his intention of producing a general insurrection for the purpose of reforming the state by physical force. Now what is the House to think of a "respectable gentleman," who knowing of the existence of such a conspiracy against the state, never disclosed the plot until the conspirator became an informer? This concealment, perhaps, was not treason; I am not lawyer enough to decide whether it was strictly and technically misprision of treason. But, morally speaking, and according to the ordinary dictates of common sense (though God forbid that I should be wanting in charity to an anonymous individual, who may be the most loyal, as well as the most "respectable" of men), is it too much to attribute to him, that he wished to see the Government overturned, and was only prevented by dastardly cowardice from joining in the plot?

The honourable member for Durham arrives from a distant part of the country, to cast new lights upon the subject; and he brings forward another "respectable gentleman," who would swear that he saw Oliver rioting in the Park, on the day that the Prince Regent was assailed; who, though he thought it exceedingly wrong, had also held his peace upon the subject. He had, indeed (this respectable gentleman) confided it to his friend; and, since that time, the most

respectable gentleman had confided it to a most respectable morning paper. Here, again, however, we have a tolerably correct measure of this most respectable witness's motive of action. Why conceal the outrage at the time? Why bring it forward now? After this outrage, was not an anxious inquiry instituted—had not magistrates taken examinations upon the subject—were not the public journals filled with particulars which, for want of evidence, turned to nothing? It was impossible that any man could be ignorant of the fact, that a public investigation was on foot; yet, this "respectable gentleman," whose loyalty was bursting his bosom, who adored his King and country, never thought of going before a magistrate to give his important testimony. Why? because it was false: or if it were true, it only proved that he had not given his evidence because he loved Oliver while he was a traitor, and hates him now that he is an informer. It is impossible, however, not to feel assured, that the whole story is a recent invention; and no man, but a dolt or an idiot, can believe a word of it. Of course I do not mean to apply the epithets, dolt and idiot, to the honourable gentleman (Mr. Lambton); all that I meant to say was, that I should consider myself a dolt, if I could give the statement a moment's belief.

It has been said, that the House will desert its duty, if it does not hear the evidence of all these

respectable *anonymi*. If this were done, it would presently be found (we are told) that all the imputations against Oliver were true; that he was, in fact, the sole insurgent throughout the country —the contriver of all plots, and the instigator of all violence. Now, how would this be proved? One nameless gentleman would assert—and Oliver would contradict his assertion;—and we should then be just where we are now, balanced between two contradictory asseverations. For instance, the honourable gentleman asserted, that Oliver was sent from London as a delegate. What is the fact? Why that Mitchell was the London delegate, and had taken Oliver with him. Oliver being once introduced as a delegate, was obliged to pass for one. It would have cost him his life to disavow it. Again, the speech ascribed to Oliver, by Mitchell, was true as it related to Mitchell, but false as to Oliver. The story of the 70,000 men came from Mitchell, and not from Oliver. What is the evidence upon this subject? Why a third person, who fell in company with Mitchell and Oliver together, relates the conversation that passed between them, only ascribing to the one speaker, what was, in fact, said by the other. This might be from mis-recollection: but it is not uncharitable to suppose, that it might, also, be from design: for the moment that Oliver's employment was known, all the sayings, and all the actions, the plans, and the outrages, of the dis-

affected, were, by common consent, heaped one and all upon Oliver. Many, who had never seen him, quoted his words, and commented on his bearing: and how is the truth to be gotten at, among so many irritated feelings, and alarmed interests, by any course of unsworn investigation? It is not, therefore, indifference to truth, that deters the House from such an investigation. It is the uselessless, the hopelessness, and the endlessness, of such a process, which deter it. The honourable member for Bramber (Mr. Wilberforce) justly remarked, that an inquiry once gone into, on these matters, must be interminable. Can a better illustration of this truth be desired, than the proposal of the honourable member for Norwich (Mr. W. Smith), that all the private transactions of Oliver's life should be ripped up; that an inquiry should be set on foot, to ascertain whether he had regularly paid his tailor's bill, and of how many chips and shavings he had cheated his master the carpenter? A chip and shaving committee is to be appointed, with power instead of persons, papers, and records, of sending for surveyors, builders, hatchets, planes, and carpenter's rules; with a special appointment to inquire into the merits of three indictments, two suits in the Court of King's Bench, and a disputed award. These matters are to be referred to a Select Committee.

As to this question about private character,

who is there, that disputes, that intelligence respecting plots against the State, in nine cases out of ten, must arrive through polluted channels? It can only be obtained from repentant traitors, from accomplices, or from informers. Though there may be those whose minds are so philosophically turned, that they wish all discoveries to be providential, rather than employ such agents, still I confess I must hold it prudent to employ human means to maintain human institutions.

Some honourable gentlemen have attempted to draw a distinction between an informer and a spy. If a man brings information to Government, it may be credited (say they) *for the first time*;—then, it seems, he is only an informer; but if the informer, at the recommendation of Government, should proceed to gain fresh information, the second fact would be good for nothing, because he would then be an employed informer, and consequently a spy; twice an informer, was once a spy. The bee, it is said, can sting but once,—*animamque in vulnere ponit.* So the informer can make but one information; and all his power of observation, all his faculty of seeing and hearing, become immediately extinguished. The honourable and learned gentleman (Sir S. Romilly) has been pleased to refer "to the immortal bard" (Shakspeare), for illustration of his arguments. Certainly he could not go to a better source. If he had carried his researches into that

author a little farther, he might have found a description of an informer which seemed to tally exactly with his own *beau idéal* of such a character. I allude to that informer, who—

> "So dull, so dead in look, so woe-begone,
> Drew Priam's curtain in the dead of night,
> And *would* have told him half his Troy was burned,—
> But Priam *found the fire ere he his tongue.*"

This, I presume, is just such information as the honourable and learned gentleman would allow Government to receive. I do not know whether it may be imputed to my own obtuseness of intellect, or hardness of heart, but I must say, that if Priam, thus roused from his slumbers, had, instead of inquiring about the fire, detained that pale, woe-begone man to question him about his birth, parentage, and education, I, for one, (however the honourable and learned gentleman might applaud the conscientiousness of such an examination) should have felt much less commiseration for the fate of that venerable monarch than I do at present.

My honourable friend, the member for Bramber, whom I see just returning to his place, may perhaps think that I am treating this part of the question with too much levity; but I would beg my honourable friend to consider again, whether the more fastidious and theoretical notions on the subject of spies and informers, which my honourable friend maintained in a former debate, are in

fact reducible to practice. Among the many virtues which distinguish and adorn his character, my honourable friend has one quality which may be considered a defect; he is apt to think every man as good and honest as himself. Still, I am sure that my honourable friend has lived too long not to have found, by experience, that the world cannot be governed on theoretical notions of purity. He must have felt, too, that as it was the sweetest reward of virtue, to have a perfect confidence in all around it, so it was the greatest curse of crime, that it could not trust even its dearest associates. To take away, therefore, from crime, its penal terror of being betrayed by its intimates, and to communicate to it the best privilege of virtue,—what is it but to make virtue the prey of crime?

My honourable friend, I am sure, will not give in to the foolish and vulgar notion, that the treating with merited ridicule whatever is absurd and contemptible in the arguments by which a grave subject is supported, implies any want of due estimation of the subject itself.—No. He has too much good sense, as well as good taste, not to feel, that in brushing away the cloud of follies, of frauds, of artifices, and impostures with which this most important matter has been disfigured and overlaid, I have only made my way more effectually to the substance of the question, and qualified myself to treat it with becoming seriousness,

when divested of the accessories which covered it with ridicule and contempt.

The honourable and learned gentleman, who opened the debate, has endeavoured to throw a gloomier colouring over this worn-out topic of spies and informers, by contending that the proceedings of Vaughan and others—the miscreants who excited and nurtured offenders against the law for the sake of bringing them to punishment, and earning blood-money at their expence—were to be defended on exactly the same principle as that on which the Government justified their employment of Oliver to detect the workings of treason. My honourable and learned friend (the Solicitor General) has completely disproved the alleged similarity of the two cases, and established the difference between them. But, perhaps in this only instance, I may presume to say, my honourable and learned friend has left his admirable argument somewhat short. The cases are not only different, but opposite to each other. Not only is the principle of the two cases not the same, but a diametrically contrary principle to that which constitutes the defence of Vaughan, is pleaded in excuse for the employment of Oliver. It is the principle of prevention, instead of that of punishment. It was argued the other night that the genius of a free constitution does not admit of the exercise of this preventive principle; that it is indeed the moving principle of despotic

governments; but that in free states, crimes can only be dealt with by law, and law can operate only by penal application after the fact. This may be generally true. It is true, that in all human institutions, peculiar good is frequently compensated by peculiar evil: and by how much greater is the latitude in which civil and political freedom are enjoyed, by so much greater must be the severity of the laws, and the rigour in the execution of them. Where punishment is the only sanction, it can apply only to things done; and to incur punishment, the guilty intent must be matured into the act. The principle of the Suspension Bill, however, was not in consonance to this general maxim, but in deviation from it. The power which it conferred was a power to *prevent;* not a power to *punish* (further than the law already warranted, or further than restraint might be considered as punishment); a power expressly calculated to arrest the progress of disaffection, and to intercept the rebellious purpose before it had ripened into rebellion.

To say that this power is not conformable to the ordinary spirit of the laws, is only to say, what is not only admitted, but contended for, that the Suspension Act *was* an exception such as I have described it to be: and that those who were arraigned for their conduct under that act were, therefore, in fairness to be judged, not by the rules of the ordinary laws, but by the special rules of

that extraordinary statute. So far from adopting the excuse of Vaughan and the blood-hunters to whom they have most indecently been compared, and pleading that they pounced upon none but full-blown criminals; the plea of Ministers is that to the best of their endeavours, and to the best of their information, they have attempted to nip crimes in the bud, and to prevent what, if accomplished, the laws would visit with punishment: and in exact proportion as they have obtained the information necessary for fulfilling this duty, have they enabled themselves to perform the task assigned to them by the Legislature, with fidelity and effect.

An honourable and learned gentleman, indeed, (Mr. Brougham) has animadverted severely on an honourable friend below him (Mr. Lamb), for not keeping strictly to the bare question of indemnity; and yet the learned gentleman himself, like all who preceded him, launched into a full discussion of all that has occurred during the last and present year, that could bear upon the subject. And the honourable and learned gentleman did right in so arguing: for as it was the circumstances of the times which called for the Suspension, and which called for the Indemnity Bill also, the argument either way could not be fully stated without reference to those circumstances. Those who voted for the Suspension, might fairly be expected to vote for the Indemnity. Indeed, some honourable gentlemen have most fairly and reasonably

admitted, that though they opposed the Suspension Bill, yet, as that had been passed, and had therefore become the law, the only question now was, whether Ministers have exercised moderately the powers confided to them by that measure?

A vast deal has been said about the suspension of the Habeas Corpus, as if a blow had been struck at the liberties of the whole people. This is not the case. I am as much disposed as any man to think that crisis of affairs most lamentable, which requires such an extension of power. Nay I will go further. I not only lament the suspension as a misfortune, but I charge it as a crime: but upon whom do I so charge it? Not on the Government, who have fairly come forward, and laid before Parliament the real state of the country: not on Parliament, who have acted deliberately upon the report of a committee of the first respectability: not upon the people of England, as has been most unjustly insinuated, to whose steady loyalty the utmost homage has been paid; but upon those designing and malignant wretches, who attempted, out of the distresses of a day, to effect the desolation of the work of ages; who look upon the famished peasant, and ruined artisan, not as objects of compassion, but as instruments of crime. How often have we heard in this House, heart-rending declamations about the cruelty of despotism, and the selfishness of warriors, which sacrificed myriads at the altar of

ambition. Nay, sometimes even, though rarely, gentlemen on the other side of the House, have expressed their indignation at Buonaparte himself, who considered the inhabitants of a great empire, as mere raw materials for working out his own false glory. All this is certainly bad enough: but what can be said of those, who even without the apology of this motive, which pernicious as it is, has yet its dazzling charms for weak human nature, what shall be said of those who, with cold calculation, enter the cottage of poverty, not to sympathize with the condition of the wretched inhabitant, and his starving family, and to relieve it, but calmly to gauge his misery, that they may ascertain his capacity for mischief; not to rescue him from ruin, but in hopes that they may find him fitted to be an agent to assist in the ruin of his country? These are the men against whom the crime of violating the Constitution is chargeable; these are the men against whom the suspension of the Habeas Corpus was aimed; and yet these are the men who are to be put in the judgment seat, while Ministers are to be tried on their accusation, and condemned by their evidence. And this is recommended to the House as the due course of retributive justice!

But the honourable baronet (Sir F. Burdett) has made, it seems, a most ingenious discovery; he has found out, that as the whole nation were determined on parliamentary reform, Ministers had

no other means of saving themselves from the consequences of that mighty change, than by inventing plots, and fomenting conspiracies. Does the honourable baronet imagine that he can persuade any one that this is the real state of the case? Does he imagine, that by any mode of division or multiplication, which he may adopt for his reform petitions, whether he presents them in tens, signed by thousands, or in thousands, signed by tens, does he really flatter himself that he can persuade the House, or himself, that parliamentary reform is a favourite measure with the people of England? Does he suppose that the great body of the nation cares one jot about his wild plans of annual parliaments, and universal suffrage? Nay, can he reconcile to himself the justice, or consistency of his plan of universal suffrage, as it is called? How can he excuse the omission of females, and of the insane, from the classes of electors and representatives? Oh! calumniated females! Oh! calumniated insane! Is it from dread of the power of the female sex—or from jealousy of the wisdom of insanity? For my part, I feel assured, that whatever measure of exclusion may be dealt to the women, the insane portion of the community have been excluded from the petitions hitherto presented, only that they may come forward hereafter, with more weight and effect, in a petition, subscribed exclusively by themselves; and that the day is not far distant, when the honourable

baronet shall present a petition for reform from the inhabitants of the receptacle near Kennington, vouching for the respectful tenor of its language, and pledging himself for the constitutional temperance of its argument.

But, Sir, if this would be consistent in the honourable baronet, what shall be said of the honourable and learned gentleman who has just sat down (Mr. Brougham),—who, in his heart, laughs at all these schemes of reform, and looks with the profoundest scorn on all who entertain them:—of him, who knows that every petition on this subject comes either from deluders or deluded; yet, under a pretence that he is a friend to something like a reform, will, every now and then, support such petitions for the mere purpose of popularity. That honourable and learned gentleman has apologised for pronouncing an eloquent panegyric on the Constitution, which he apprehends to have been brought into danger by the acts of this House. If the Constitution was in danger, sure, very sure am I, that it was a danger of a very different sort from any which could be cured by inflaming and maddening the people. Who are the best friends of the people? those who are always ringing in their ears the extent and imprescriptibility of their rights; or those who, while they tell them of their rights, tell them they have duties also? I would say to the real friends of the people, instruct, enlighten

them, and then there will be no danger; but do not teach them to nourish an envious jealousy of wealth, a hatred of rank, and a general malignity at all superiority. It is, indeed, the proud boast of our glorious Constitution, that the poorest peasant may emerge from the meanest hut, and himself, or in his descendants, rise to the highest rank of the state. But let there at least remain high ranks for them to rise to. To level ranks would not be to equalise, but to destroy, to confound the elements of society, and to produce universal degradation. But I ask whether every man who hears me does not know that either in his own immediate neighbourhood, or in districts of which he has knowledge, a sedulous and wicked activity has been employed in disseminating the doctrines of discontent, and exasperating suffering into malignity? I ask whether hatred to Government, as Government, not merely to particular individuals (a tax which those who fill ostensible situations in the state must make up their minds to bear as they may), but to Government by whomsoever administered, to eminence as eminence, to rank as rank, have not been industriously inculcated? Whether the Crown and its Ministers have not been proscribed as the natural enemies of the people? And this House held up to peculiar detestation and horror, as the tyrants of the Commons, whom they are especially bound to protect? The starving artisan is

told, by his mischievous seducer, that all his distress arises from an imperfect representation in Parliament. If this assertion means any thing, it must mean this—that Parliament, as at present constituted, encourages unnecessary wars; that unnecessary wars produce extravagant expenditure; that extravagant expenditure produces exorbitant taxation; and that exorbitant taxation produces overwhelming misery. Now what is the inference of the parliamentary reformers? Is it that Parliament more popularized, more democratically constituted, would be less inclined to war? I appeal to all history, ancient or modern, whether democratic states have not always been fondest of war. Look at Athens, look at Rome, look at the petty republics of more modern times. Was not the appetite for war in all those Governments perpetually excited and perpetually indulged? Would the case be different among ourselves? Is it not notorious that the humblest peasants in this country have been used to sympathize with the victories of its warriors, and to feel themselves partakers in their honour? True it is that of late a chill philosophy has been busy in numbing even this, the natural enthusiasm of a brave people; in sophisticating their feelings, and bewildering their reason; in rendering them dead to the glories of Waterloo, but tremblingly alive to the imperfections of Old Sarum. But it will not do; and I must say that I distrust the sense

of any man who can build a hope of discomfiture to Ministers on the popularity of parliamentary reform.

It is not against parliamentary reform, but against the frantic follies circulated under that pretext, and the mischiefs attempted to be perpetrated under the shadow of its name, that Government appealed to parliament, and that parliament had recourse to the Suspension Act. That act is happily at an end. I am not disposed to undervalue the evil of its enactment, whether in itself or whether considered as a precedent for other times. But they surely read but ill the signs of the present times, who think that in or out of Parliament there is a leaning against popular rights and feelings. How strangely do topics survive the occasions which produce them. Not more idle was it in the rhetoricians of imperial Rome to make declamations in favour of Brutus, ages after the extinction of Roman liberty, than it is in the patricts of these days to pretend an apprehension of arbitrary power, and to rail against enslaved Parliaments and an usurping Crown.

The dangers which now threaten society are of a different kind, and come in an opposite direction; and it is the duty of Parliament to provide with equal watchfulness not only against the blast of the lightning from above, but against the destructive explosion from below.

But let us hope that these dangers are for the

present passed away. If, in the hour of peril the statue of liberty has been veiled for a moment, let it be confessed in justice that the hands whose painful duty it was to spread that veil, have not been the least prompt to remove it. If the palladium of the Constitution has for a moment trembled in its shrine, let it be acknowledged that through the vigilance and constancy of those whose duty it was to see that the fabric took no harm, the shrine itself has been preserved from profanation, and the temple stands firm and unimpaired.

CHOICE OF A SPEAKER.

JANUARY 14th, 1819.

THIS was the day appointed for the meeting of the new Parliament, which was opened by Commission. As soon as the House of Commons returned from the House of Peers, to hear the Commission read, which is a customary procedure on similar occasions,

MR. PEEL addressed a speech to the deputy to the clerk of the House, in which he eloquently enlarged on the important duties of a Speaker, and on the qualifications which Mr. Manners Sutton possessed in an eminent degree, to entitle him to be re-elected to that eminent station.

LORD CLIVE seconded the motion.

The cry of "Chair! chair!" then resounded from all parts of the House; on which Mr. Manners Sutton was conducted from his seat to the chair, by Mr. Peel, and Lord Clive, where, standing on the upper step, he addressed the House to the following effect:—

"In offering my most respectful and cordial thanks to the House, for having conferred upon me the highest honour which it has in its power to bestow, I have only, with the utmost sincerity to assure the House, that I will strain every nerve to justify the choice it has made, with a strict, steady, faithful, and impartial discharge of the duties entrusted to me." And thereupon he sat down in the chair; and then, the mace (which before lay under the table) was laid upon the table.

Mr. Canning then spoke to the following effect:—

Sir—In rising to move the adjournment of this House, I cannot refrain from availing myself of the opportunity of congratulating, not so much you, Sir, as the House itself, on the choice which it has just made of a member to preside over its deliberations. The various and important functions belonging to your high station, have been already so accurately and eloquently described, that not one word more need be said on that subject. What we have just heard from you, Sir, is sufficient to prove how high your estimate is of your duties; and although you have spoken distrustingly of your qualifications to dis-

charge them, you have pledged your determination to exert yourself to the utmost in the justification of the choice that we have made. But, Sir, however implicit the credit with which we must be disposed to receive the declarations and promises of a man of your character, we have on the present occasion, something more than declarations and promises to assure us of the fulfilment of our expectations. We have your own example—we have the experience of your conduct in the term, during which you presided over the discussions of the last Parliament. You were last year, Sir, elected to the chair of this House, after a contest with a gentleman, to be put in competition with whom is no disparagement, but a high credit to any man, be his character what it may.* Yet, Sir, I am at a loss to say, whether the contest of that day, or the unanimity of this, reflects the greater honour on the object of our choice. In that contest there was not the slightest mixture of those asperities which political rivalry is too apt to engender. Every member gave his vote as his peculiar predilections led him, without evincing the least disposition to undervalue the pretensions of the respective opponents. The unanimity on the present occasion, is as wise as it is generous. Generous—because it offers that homage which past services merit; wise—inasmuch as no man can feel humbled by

* Mr. C. W. Wynn.

the uninvidious superiority which the qualifications of the individual whom we have chosen, have acquired by their having been tried. That you may long continue to fill the station to which you have been thus honourably raised, is, I am sure, the wish of every gentleman who hears me. And I am also persuaded, that we agree in the confident expectation that as long as you remain in that high situation, you will preside over our debates with a firm but temperate authority, and, above all with an impartiality which will show that you consider yourself the servant of the whole House. That you may long go on in the course which has already placed you so high in our estimation, is not more our wish than it is our confident expectation; and as you have on this occasion united our suffrages, so I am persuaded you will, on all future ones, command our universal respect. As there is no business before the House, it only remains for me, Sir, to move, that we do now adjourn.

The House accordingly adjourned.

WINDSOR ESTABLISHMENT.

FEBRUARY 25th, 1819.

Lord Castlereagh moved the order of the day, for receiving the Report on the Royal Establishment at Windsor. The Report was brought up, read, and the first and second Resolutions agreed to. On the third Resolution being read, viz. "That the annual sum of £10,000 be issued out of the civil list revenues to His Royal Highness the Duke of York, to enable His Royal Highness to meet the expenses to which His Royal Highness may be exposed in discharge of the important duties confided to him by Parliament in the care of His Majesty's person,"

Mr. Curwen opposed the Resolution, and said he would take the sense of the House upon it.

Mr. Canning* observed, that it was evident the gentlemen on the other side, were determined to think Ministers in the wrong, whatever course they pursued. When, in compliance with the feelings of the House and of the country, they had cut down the Windsor Establishment, and had entered into minute details of expenditure, the necessity for which he cordially agreed with many honourable gentlemen in regretting, the cry on the other side was, "Why do you not propose at once a general comprehensive measure, instead of wasting the attention of Parliament on such petty details?" When, in compliance with this suggestion, the Ministers reserved from the detailed communication of the Committee, one great item of the proposed Establishment (the £10,000 a year to the *custos*),

and proposed it at once for the vote of the House, on its own obvious merits, up got an honourable gentleman (Mr. Williams), a lover of wholesale measures too, and insisted on cutting this item in half. That proposition, however, though sufficiently contradictory to the general doctrine preached to-night, did not satisfy the right honourable gentleman opposite (Mr. Tierney), who, as if wishing to drive the House *ad absurdum*, was not content with splitting the wholesale vote, framed according to his own special recommendation into two, but was anxious farther to reduce it into fractions, and to calculate to a farthing, the amount of expense to which the *custos* could, by possibility, be exposed. It might have been expected, that some credit would be given to Ministers for not asking any thing exorbitant, after the experience which the House had had of the labours of the Committee on the Windsor Establishment. It must be pretty clear, that Ministers had conducted themselves with every possible regard to economy, when with all the vigilance and jealousy that could be brought to bear on the examination of their plan for the reduced Establishment at Windsor, the only diminution that the Committee could find room to suggest, was the striking off two equerries—value under £1,000 a year; a saving so paltry, that it was difficult to imagine that it had been suggested for any other reason, than to save the honour of an economizing committee. Throughout the evening there had been the strongest wish expressed to avoid any general review of the proposed Establishment, and to confine the debate simply to the one question of the £10,000 a year; yet of the honourable gentlemen who had spoken, not one had refrained from entering on the larger question; and least of all an honourable and learned gentleman (Mr. Denman), who had risen early in the debate; and who, after stating his desire that every point should be avoided but the specific

question before the House, and after complaining that a right honourable gentleman had, on a former night, made a set speech on the subject, had himself contrived to illustrate his own rule by descanting, in an oration seemingly of the same species, on every possible topic that could come under parliamentary cognizance; beginning with the distresses of the country, and ending with the Catholic question.

Whether the spirit with which Ministers had been actuated in reducing the Windsor Establishment to its present scale (a scale, he must say, grating to the feelings of all, and justifiable only by the considerations which dictated it), showed them to be insensible to the public distress, and to the motives arising out of it for rigid and unsparing economy, it was for the House to judge. Such a reduction of the Establishment of the Royal Invalid was, to Ministers, a most painful duty; but the performance of it was a sacrifice to the wishes and expectations of the people. They were not without apprehension, that even in this object, and with these motives, they might have gone too far. They had no apprehension that parsimony itself could grudge the Establishment which was now proposed. The gentlemen on the other side had not treated the question before the House fairly. They had argued as if the *eustos* was a new office, now first created, with a new salary of £10,000 a year, now first about to be conferred on it. Had that been the fact, Parliament would certainly have had a right to demand a minute detail of every item of the duty, and every shilling of the expense. But the case was very different. The House were called on, not to build, but to pull down; not to lay new foundations, but to examine with what propriety any part of the existing structure could be removed. In doing this, however, it was their duty not to make unseemly rents in the edifice, or to let in the unhal-

lowed gaze of vulgar curiosity on the naked wretchedness of unsheltered majesty. They should recollect that though afflicted and helpless, the sufferer was still their Sovereign. The honourable and learned gentleman opposite had said, that a vote of the House acceding to the proposed grant, would be a popular vote. He was really at a loss to know where the honourable and learned gentleman gathered his notions of popularity. But this he (Mr. Canning) would say, that, whether that House was to be considered as the exciter or the echo of the feeling out of doors, he did not on all occasions think popular clamour the best criterion of the state of the public mind. He was sure there was a large, although perhaps not the largest class, who felt that the present was a question on which it was disgraceful to enter on beggarly details of possible saving. His Majesty's Ministers, therefore, had no easy task to perform to meet the expectations of one part of the community, and not to offend the feelings of the other. They had endeavoured to take a reasonable course between the two, and he repeated, that whatever might be the feelings of those—feelings which he thought entitled to no small degree of respect—who conceived the reduction to have been excessive and irreverent, he had no apprehension of not having satisfied the most sanguine economists by a reduction which cut down the expenses from £158,000 to £60,000 including the £10,000 for the *custos*.

This one benefit had certainly arisen from the Committee of Inquiry, that it was felt, and even allowed, by the honourable gentlemen opposite, that the Establishment at Windsor could not possibly be reduced any lower. Of the £50,000 allotted for that Establishment, the repairs of Windsor Castle alone amounted to £20,000 a year; leaving only £30,000 for the other expenses of the King's household.

No one could grudge the £20,000 annually applied to the repairs of Windsor Castle; not merely as the dwelling place of its present venerable inhabitant (fit shrine for such a relic!) but—even supposing that purpose at an end—for the purpose of preserving to future ages so grand a monument of ancient national magnificence. The whole question, therefore, for the House to consider was, whether, in comparison with the original amount of expense, such a reduction had taken place in the total charge as was consistent, on the one hand with the due maintenance of the office, and on the other, with the just expectation of the country; or whether it was the duty of Parliament to cut off the allowance to the *custos* also, for the sake of adding another £10,000 to the savings? As to curtailing the allowance to the *custos*, and voting him a smaller sum, he supposed no one would persist in so offensive a suggestion. It would be at once to disgrace the office, and to render the economy ridiculous.

And here he must remark, in answer to the observation that that sum would be a burthen to the country, that, although not to save what there was an opportunity of saving might be extravagance, it could not in this instance be fairly described as entailing a burthen on the country. The charge exists. It exists as part of an Establishment, more than one half of which is surrendered to the wants of the country. Not to surrender all, is *pro tanto* to maintain existing expenditure—but it is an outrage to sense as well as decency, to call it the creation of a burthen. He would say but a few words on the question of the responsibility of the *custos*, on the absence of which responsibility the right honourable gentleman had placed so much reliance. As a legal question he was not prepared to argue it; nor did he suppose that many precedents existed on the subject. Happily, there had not been frequent occasion for the agitation

of such a topic; but, looking at the question with the eye of constitutional analogy, he should certainly say, that a *custos*, though a queen consort, was a responsible functionary. Queens consort had been appointed regents in the absence of the king. Was that an office of responsibility? But however that question (and he admitted it to be a nice and delicate one) might be decided, he presumed that Parliament had the power of creating a responsible office; and that the office of *custos* had been made so, he thought must be obvious on the least consideration of the subject. As to the allowance, if he were asked whether he thought His Royal Highness, the Duke of York, would incur additional expense in the discharge of the duties of his new office, he would answer, that upon his conscience he believed His Royal Highness would. But what may that expense be? That he could not pretend to calculate; but the House, he was persuaded, would consider how many claims of ancient pensioners on her late Majesty's charity at Windsor, not provided for in any degree by any public arrangement before her demise, would now look to His Royal Highness's benevolence; and found upon His Royal Highness's succession to his Royal Parent's office a claim to his hereditary bounty. No man, he would venture to say, ever came to the head of a considerable office in the state—of however inferior rank or emolument—without finding new claims to his pecuniary assistance growing up around him, far beyond any which arose out of the possession of income from other more independent sources. Such claims are not susceptible of estimate; but they increase in amount and importunity, in proportion to the rank and importance of the office—in proportion (he might add) to the known generosity of the holder. He was therefore for the whole grant of £10,000. Without entering into the nice calculations of the right honourable gentleman, who

conceived that the expenses of post-chaise horses, and post-boys might be covered by £1,500 a year, he would say at once, that when he coupled the necessary expenditure of the office with the generous disposition which belonged to him by whom it was to be incurred, he was not disposed to gage the exact amount of that expenditure, or the exact extent of that disposition; or to examine minutely whether the original proposition of £10,000 would meet the demands on His Royal Highness, leaving some fractional benefit; or whether those demands might not be brought within £5,000; or whether they even could not be covered by the £1,500 named by the next bidder. It was enough for him to know, that the grant now proposed was not thought by the last Parliament too large to be given to the Queen consort, when the custody of His Majesty's person was confided to her superintendance, to feel satisfied that it was not more than ought, under similar circumstances, to be allowed to the Duke of York.

In the last debate on the subject, it had been asked by an honourable gentleman, whether the duty of His Royal Highness as Commander-in-Chief was to be neglected for that which fell on him as *custos* to the King? If there existed any incompatibility between the office of Commander-in-Chief and that of *custos*, and it was supposed that it would be impracticable for one person to discharge the duties of both situations, that was an argument applicable, not to the sum which His Royal Highness was to receive, nor to the question of the fund from which that sum ought to be paid, but to the appointment altogether. Why was not that objection urged when the bill for appointing the Duke of York the successor to his Royal Mother as *custos* of His Majesty came down from the House of Lords? It came down unincumbered with any pecuniary arrangements; and although that latter circumstance by no means warranted the supposi-

tion that the Lords intended His Royal Highness should hold the office without fee or reward, yet it certainly facilitated very much the uninvidious statement of any objection to His Royal Highness's appointment to the office. Why was not the statement then plainly made that His Royal Highness's time was already sufficiently engaged in the discharge of his military functions? With all that laudable regard for retrenchment which the honourable gentlemen opposite so warmly professed, he hoped they did not, on that occasion, carry their economical notions so far as to overlook the objections to the appointment arising from the incompatibility of the two offices, merely because the silence of the bill as to any pecuniary consideration warranted the hope of getting a cheap *custos* in the person of His Royal Highness the Duke of York. The fact certainly was, that His Royal Highness had accepted the office without any stipulation whatever. The House of Commons might, if such were their pleasure, hold His Royal Highness to his bargain; but he trusted they would not be inclined to throw on His Royal Highness the additional expense which must attach to the situation in question, merely because His Royal Highness, without any previous condition, had accepted an important office, which perhaps, under such circumstances, no other man would have accepted. The course which had been adopted on this occasion had, in his opinion, been wisely chosen. Its object had been to exonerate the Duke of York from all suspicion, which nevertheless had been in a manner charged against His Royal Highness—of having an eye to emolument when taking upon himself the office to which he had been appointed. The Duke of York was now in the office. Pay him, or pay him not, there His Royal Highness was, and the House were sure that, be their determination what it might, he would discharge the duties of his new trust with

zeal and fidelity. Of this they had already an ample earnest, in the manner in which His Royal Highness had long discharged the duties belonging to his situation as Commander-in-Chief, duties which he (Mr. Canning) was confident would in no way interfere with those of *custos*.

But the message delivered by his noble friend on a former night from His Royal Highness had not escaped animadversion and censure. A worthy alderman (Wood) on the other side of the House, had talked of the indignation which that message excited in his mind, and of the astonishment with which he heard that His Royal Highness was disposed to relinquish all emolument rather than plunge his hand into his father's private purse. He (Mr. Canning) could hardly conceive how feelings of such a description could be awakened by the indication of a principle less intent on the acquisition of gain than delicate as to the source whence it was to be derived. But perhaps the worthy alderman would have advised His Royal Highness to follow the old maxim,

"———— Rem facias rem,
Si possis, recte; si non, quocunque modo rem;"

—a maxim which he (Mr. Canning) trusted did not govern the conduct of the great mercantile community of which the worthy alderman was the representative.

The great argument of the other night, however, he understood to be given up. He believed it was no longer contended by the honourable gentlemen opposite, that the privy purse ought not to be held sacred. [Symptoms of dissent were here manifested on the opposition side of the House.] He begged pardon if he was wrong; but he really thought that the argument to which he alluded had been given up, as every speaker on the opposite side of the House had carefully avoided touching upon it that night. He was now to understand, then, that the argument was not given up? The right honourable gentleman (Mr. Tierney)

then, retained his opinion with respect to the liability of the privy purse? But now, it appears, he thinks that the *custos* ought not to be paid *at all.* With this last opinion could any thing be more preposterous than the right honourable gentleman's having suffered the House to debate eight or ten hours on a former night on the question then brought before them? On that occasion the debate must have been, not whether the Duke of York ought to receive a certain sum out of the privy purse, which certainly every human being except the right honourable propounder of the question imagined to be the matter in dispute, but whether, if His Royal Highness were to be paid at all, he ought to be paid out of that fund or out of another. He (Mr. C.) well knew the ingenuity with which honourable gentlemen could bring the same subject under the consideration of the House in different shapes; but really this was the first instance he had met with, in his parliamentary experience of a debate and a division on an hypothesis—on a question moulded for no other purpose than to gratify a speculative curiosity! How fortunate it was for the right honourable gentleman on that occasion, that the division on his proposition was so different from what he evidently expected! To the last moment of the debate he seemed to think that he should effect his object, and to anticipate the result with high glee. As the question was, contrary to these expectations, decided against the right honourable gentleman, no embarrassment ensued; but had the result been different, had it been determined that the privy purse *was* the proper fund to be applied to for the sum to be paid to the *custos*—pleased as the right honourable gentleman would have been with this affirmation of his doctrine, yet into what a scrape would he have led the House! for his next step must have been to turn round and convince the House that no grant whatever ought to be made, and

that the proposition which they had just affirmed was a pure abstract proposition leading to no practical result whatever. He was the more desirous to point out this strange absurdity, as there were many young and unskilled members in the House, who as yet were but little acquainted with the right honourable gentleman's dexterity, whom it might therefore be necessary to put on their guard. The great danger from the right honourable gentleman was, not when he deviated into what he intended to be pleasantry; nor even when he indulged in general declamation, however great his ability in all ways; but when he took another course, when he assumed the earnest tone of straight-forward, country-gentleman-like plainness and sincerity, declaring his grave, confirmed, sober conviction on any point. O! then came the moment of peril: then, if they were not wary, would the right honourable gentleman entrap some of them, as he had done on a former night, into a vote for a proposition, the real character of which they little suspected. Had the right honourable gentleman's proposition on Monday been carried in the affirmative—had the House decided that the privy purse was a proper fund to be made liable to pay the sum to be allowed the *custos* of His Majesty's person, many honourable members would have come down to the House on the present evening for the purpose of voting the money; but then it appeared that the right honourable gentleman would have turned round upon them, and have moved that no money should be paid at all. Nay, if it were denied that such would have been the right honourable gentleman's course, he (Mr. Canning) felt himself at a greater loss than ever on the subject. Was he to understand, that if the House had determined that the privy purse should bear the charge, the right honourable gentleman would have had no objection to the annual allowance of £10,000? [Mr. Tierney said, that in that

case he should have had no objection to it in the world.] Mr. Canning thanked the right honourable gentleman for his information, and declared that he had not understood before, and he was persuaded the public had not understood, that the £10,000 might be paid to the Duke of York and welcome, provided it were taken out of the privy purse. What, then, became of all the arguments directed against the grant itself, as extravagant to give, and unbecoming to receive? He did not mean to say that these were the arguments of the right honourable gentleman himself, but they were the arguments of the right honourable gentleman's friends, almost every one of whom had contended, that the *custos* ought not to be paid at all. But it now appeared, that in the right honourable gentleman's opinion, all their arguments were good for nothing; that the payment might be a very fit payment to be made; and that, in effect, the only real question to-night, as on the former night, was, out of what fund that payment should come? He (Mr. Canning) would state why, in his opinion, the privy purse ought not to be that fund. He had not arrived at that conclusion from supposing that there was any inherent quality in a privy purse of the Sovereign of this country which ought to render it, in all cases and under all circumstances, sacred; but he could not forget, that successive Acts of Parliament had made the privy purse of the present Sovereign his own peculiar property; had fenced it round as strictly or more strictly than the property of any private individual was guarded by the laws. It was true, that, originally, the privy purse was a part of the civil list, and that at the commencement of the present reign no character of sanctity was attached to it. But, in the exact proportion in which Parliament interfered with the other parts of the civil list, had they recognised the privy purse as the property of the Sovereign. It had been first so recognized in the proceeding

of 1780, of which Mr. Burke was the mover. Secondly, in the bill founded on that proceeding, which was brought into the House in 1782, but not carried into a law. Thirdly, in the Act which passed in 1786, embodying, and enacting the system framed by Mr. Burke. In all these cases the whole of the civil list was brought under the control of Parliament, except the privy purse, which was specially exempted from it; and, in the last case, which gave to these arrangements the form of law, the amount of the privy purse was specifically stated, as at present, at £60,000. Fourthly, the Regency Bill of 1788 secured the privy purse, its profits and savings, to the King. Fifthly, by an Act passed in 1799, the power, in the King, of bequeathing those savings, as private property, was distinctly recognized. Sixthly, by the Act of 1811, which set apart the privy purse as the indubitable property of the Crown, as it had been set apart by the Regency Bill of 1788—a precedent the more important as it could not be doubted that the latter had received the approbation and sanction of His Majesty after his recovery. And lastly, the Act of 1812 completely set the question at rest.

Having thus, with a brevity for which he ought to apologize, enumerated the series of acts by which the Legislature had given a new character to the fund in question, he would make a few observations on what had fallen the other night from an honourable and learned gentleman (Mr. Scarlett) who had discussed this part of the subject with infinite acuteness and ingenuity. He could assure that honourable and learned gentleman that he had witnessed the exercise of his talents on that occasion with as much satisfaction as could have been felt by any one of those who shouted around him. In reply to his right honourable friend, the member for the University of Oxford (Mr. Peel), the honourable and learned gentleman had declared, that the

preamble of the Act passed in the early part of the present reign for regulating the civil list, which had been quoted by his right honourable friend, was not more conspicuous for expressions of gratitude to the Sovereign than the preamble of the Act of 1 George II., but was in fact *verbatim* in the same language. He (Mr. Canning) confessed that he had been astounded at this declaration; knowing, or at least believing, that George II. had not surrendered the hereditary revenues of the Crown to the disposal of Parliament, but had enjoyed them all his life; and seeing that the surrender of those hereditary revenues by the present King, on his accession to the throne, had been the chief topic of acknowledgment and panegyric in the preamble of the Act quoted by his right honourable friend. He had been at a loss to conceive how George II. could be complimented for what he did *not* do, in the same manner as George III. for what he did. But as the honourable and learned gentleman made the statement with the book lying open before him, he had abstained at the time from expressing any distrust of the quotation. He had since examined the preamble adverted to by the honourable and learned gentleman, and had not been able to discover in it a single word of the language employed in the preamble of 1 of George III., with reference to the commutation of the hereditary revenues. The reason was obvious: neither George II. nor George I. nor any predecessor of his present Majesty, stood in the same situation. If George III. was, indeed, to be considered as a pensioner on the public bounty, it ought to be remembered that he had obtained his pension by giving up a valuable consideration to the public. George II. retained his hereditary revenues; in addition to which, the annual sum of £120,000 was set apart with an unilateral agreement, that if the revenues and the grant together fell short of a certain sum, the deficiency should be made good

by Parliament. George III., on the contrary, gave up his hereditary revenues; which, if he had enjoyed them up to the present period, would have placed His Majesty in a much better pecuniary situation than that in which he actually stood. A more peculiar delicacy ought, therefore, in his opinion, to be observed with regard to His Majesty's property, not only than to that of any former Sovereign, but, he had almost said, of any private individual, since His Majesty's consideration for the public interest had induced him to act with so generous a liberality towards his people. All, however, that he (Mr. Canning) desired was, that the same security should be afforded to His Majesty's private property as was given by the laws to the private property of the meanest of his subjects; and that the first monarch of his race who had reposed an unlimited trust in his people's justice, should not be also the first whose property was to be invaded by a rude and unsparing hand in the hour of sickness, age, and helplessness. It was nothing to him to be told that His Majesty was insensible, and could not know it—that he was blind and could not see it—that he was deaf, and could not hear it. He (Mr. Canning) should not be able, from such considerations, to derive any consolation for any wrong done to his Sovereign. He could not lose the memory of what his King had been, in the contemplation of what he was. He could not forget that the greater part of that period during which the House of Brunswick had governed these realms—a period which had been emphatically termed the reign of constitutional liberty—had been passed under His Majesty's happy rule. He could not forget how materially the unstained character, the faultless example of His Majesty, during a storm of near thirty years' duration, which threatened the stability of his throne and the independence of his kingdom, had contributed to save

the country both from external and internal danger. In his present secluded and melancholy condition,

> ——————" all nature left a blank,
> And knowledge at one entrance quite shut out,"

a ruin, it was true, but a venerable ruin, the infirmities of the King were any thing but an argument against his rights. " Scathed by Heaven's lightning," but consecrated as much as blasted by the blow, he yet exhibited to the awe and veneration of mankind, a mighty monument of strength and majesty in decay. He stood, like the oak of the poet stripped of that luxuriant foliage, and spreading those denuded arms, which had afforded shelter to successive generations,—

> " Et trunco non frondibus efficit umbram."

Let not the House, then, listen to the suggestions of trenching upon the property of such a Sovereign—guaranteed to him as it was by justice and by law, and protected by every compact and by every sentiment that linked the frame of society together.

The House divided—

Ayes	247
Noes	137
Majority	110

VOTE OF THANKS TO THE MARQUIS OF HASTINGS, AND THE BRITISH ARMY IN INDIA.

MARCH 4th, 1819.

Mr. Canning—

Mr. Speaker,—I rise, in pursuance of the notice given by me to the House at the opening of the session, to propose a Vote of Thanks to the Marquis of Hastings, and to the Officers and Troops who served under his command during the late Campaign in India. This vote, I wish the House to understand, is intended merely as a tribute to the military conduct of the campaign, and not in any wise as a sanction of the policy of the war. I feel it necessary to state this reservation the more emphatically, lest, from my having deferred my proposition until the papers, which the Prince Regent was graciously pleased to direct to be laid before us, had been for some time in the hands of the members of this House, any apprehension should be entertained that I wished the policy of the measures adopted in India to be discussed on this occasion, with the view of conveying in the Vote of Thanks an implicit general approbation. I assure you, Sir, that I have no such object in view. The political

character of Lord Hastings's late measures forms no part of the question upon which I shall ask the House to decide. My object in the present motion is to acknowledge with due praise and gratitude the splendid services of the Indian army. I was, indeed, anxious to have the papers upon the table, because some statement of the political relations of the different parties in the late hostilities, in the way, not of argument but of narrative, seems necessary, to render intelligible the origin and operations of the war. From these papers I will describe as succinctly as I can, the situation in which the British Government found itself placed towards the different native powers of India: and if, in performing this task, I should let slip any expression of my own opinions as to the policy of the Governor General (and it may be hardly possible to avoid doing so, whatever caution I endeavour to observe,) I beg to be understood as by no means calling upon the House to adopt those opinions. In agreeing to the vote to which I trust they will agree this evening, they will dismiss altogether from their consideration, the preliminary observations with which I introduce it.

I approach the subject, Sir, with the greater caution and delicacy, because I know with how much jealousy the House and the country are in the habit of appreciating the triumphs of our arms in India. I know well that, almost uni-

formly successful as our military operations in that part of the world have been, they have almost as uniformly been considered as questionable in point of justice. Hence the termination of a war in India, however glorious, is seldom contemplated with unmixed satisfaction. That sentiment generally receives some qualification from a notion, in most cases perhaps rather assumed than defined, that the war is likely to have been provoked on our part, with motives very different from those of self-defence. Notions of this sort have undoubtedly taken deep root in the public mind: but I am confident that in the present instance (and I verily believe on former occasions which are gone by, and with which it is no business of mine to meddle at present) a case is to be made out as clear for the justice of the British cause, as for the prowess of the British arms. Neither, however, do I accuse of want of candour those who entertain such notions; nor do I pretend to deny that the course of Indian history, since our first acquaintance with that country, furnishes some apparent foundation for them. It is not unnatural that, in surveying that vast continent, presenting as it does—from the Booram-pooter to the Indus, and from the northern mountains to the sea—an area of somewhere about one million of square miles, and containing not less than one hundred millions of inhabitants; in looking back to the period when our

possessions there consisted only of a simple factory on the coast for the purposes of a permitted trade, and in comparing that period with the present, when that factory has swelled into an empire; when about one-third in point of extent, and about three-fifths in point of population, of those immense territories are subject immediately to British Government; when not less than another fourth of the land, and another fifth of the inhabitants, are under rulers either tributary to the British power or connected with it by close alliance; it is not unnatural that, upon such survey and comparison, prejudices should have arisen against the rapid growth of our Indian establishment; that its increase should have been ascribed, not only by enemies or rivals, but by sober reflection and by impartial philosophy, to a spirit of systematic encroachment and ambition.

On the other hand, in a power so situated as ours, a power planted in a foreign soil, and without natural root in the habits or affections of the people; compelled to struggle, first for its existence, and then for its security, and, in process of time, for the defence of allies from whom it might have derived encouragement and aid, against nations in the habit of changing their masters on every turn of fortune, and, the greater part already reduced under governments founded by successful invasion; in a power so situated, it can hardly be matter of surprise that there should

have been found an irrepressible tendency to expansion. It may be a mitigation, if not a justification, of such a tendency, that the inroads which it has occasioned have grown out of circumstances hard to be controlled; that the alternative has been, in each successive instance, conquest or extinction; and that, in consequence, we have prevailed for the most part over preceding conquerors, and have usurped, if usurped, upon older usurpations.

But, with all that may be said in excuse for this disposition of our Indian empire to stretch its limits wider every day, far am I, very far, from describing it as a disposition to be fostered and indulged; or from undervaluing the constant and laudable exertions of the British Parliament to check its progress, and, if possible, to counteract its impulse. Would to God that we could find, or rather that we could long ago have found, the point, the resting-place, at which it was possible to stand! But the finding of that point has not depended upon ourselves alone.

I state these considerations rather as qualifying generally the popular and sweeping condemnations of Indian warfare, than as necessary or applicable in the case of the present war. I refer to the wise and sober enactments of the British Parliament, not to dispute their authority or to set aside their operation; but because I can with confidence assert, that at no period of our Indian

history, have the recorded Acts and Votes of Parliament been made more faithfully the basis of instructions to the Government in India than at the period when the Marquis of Hastings assumed the supreme authority. It is but justice to the executive body of the East India Company to say, that the whole course and tenour of their instructions has been uniformly and steadily adverse to schemes of aggrandizement, and to any war which could safely and honourably be avoided. It is but justice to the memory of the noble person, whom I succeeded in the office which I have the honour to hold, to say, that he uniformly inculcated the same forbearing policy, and laboured to turn the attention of the Indian Governments from the extension of external acquisitions or connections to the promotion of internal improvement. And having said this, it may not be an unpardonable degree of presumption in me to add that I have continued to walk in the path of my predecessor; that I have omitted no occasion of adding my exhortations to those which I found recorded in my office, against enterprizes of ambition and wars of conquest. So strongly and so recently had the pacific system been recommended, that upon the eve of the breaking out of the late hostilities, the hands of the Supreme Government were absolutely tied up from any foreign undertakings, except in a case of the most pressing exigency. Such an exigency alone

produced, or could justify, the war, the glorious result of which the House is now called upon to mark by its vote.

That war takes its denomination from the power against which it was in the first instance exclusively directed, the Pindarries: a power so singular and anomalous, that perhaps no exact resemblance could be found for it in history; a power without recognized government or national existence; the force of which, as developed in the papers upon the table, is numerically so small, that many persons have, naturally enough, found themselves at a loss to conceive how it could be necessary for the suppression of such a force to make preparations so extensive. It is true that the Pindarries consisted only of from thirty thousand to forty thousand regular and irregular horse; capable, however, of receiving continual reinforcements, and of eluding, by the celerity of their movements, the attack of regular armies. Remnants of former wars—the refuse of a disbanded soldiery—they constituted a *nucleus* round which might assemble all that was vagabond and disaffected—all that was incapable of honest industry and peaceful occupation—all that was opposed in habit and in interest to a system of settled tranquillity in Hindostan. Hostilities against them could, therefore, be undertaken only at the risk of bringing into action all the elements of a restless and dissatisfied population; and the

hazards to be calculated were not merely those arising from their positive strength, but those also which might arise from the contagion of their excitement and example.

It was not, however, from mere speculation as to the danger to be apprehended from such a body collecting and bringing into activity the unquiet and dissolute of all manner of *casts* and tongues and religions; it was not from theoretical conviction of the incompatibility of the existence of such a power in central India, with the maintenance of social order and general peace, that the late war was undertaken. The Indian Government, however confident its persuasion upon these points might be—however keen its sense of the perils to which the peace of India was exposed—were too fast bound by their instructions to strike the first blow, or to engage in war upon any less provocation than that of positive aggression, either against the British power itself, or against allies whom its faith was pledged to defend. The war was provoked by actual aggressions, such as no government could endure without the neglect of a sacred duty. The native population would, without doubt, have had just reason to complain if the British Government, having superseded those who would have sympathized with their sufferings, had omitted to avenge injuries which the awe of the British name ought perhaps to have been sufficient to

prevent. Neither was it one aggression only, nor a series of aggressions, confined to one year, that called for chastisement: nor was it against distant provinces, or obscure dependencies of the British power that these injuries had been directed. So long ago as 1812 an irruption was made into Bengal; in 1813 into the territory of Bombay; and in 1816, accompanied with circumstances of extraordinary audacity and outrage, into that of Madras. Of this last irruption intelligence was received in England, within a few weeks after the final and most peremptory injunctions of a forbearing policy had been despatched to India: and this intelligence it was that determined the Government at home so far to relax those injunctions, as to loose the hands of the Indian Government specifically against the invaders. Even without such specific permission, the Government in India could not longer have forborne; unless it had forgotten what it owed to its subjects, and had been contented to forfeit its good name throughout the territory of Hindostan. And it is but justice to that Government to say, that it had taken on its own responsibility a determination conformable to its character and its duty. Fortunately, the delays incident to the season at which this determination was taken, enabled the Marquis of Hastings to receive from home a warrant for his proceedings, before he began to act on his own discretion.

The war, therefore, against the Pindarries was undertaken by the Indian Government, with the full concurrence of the Government at home. And what was the nature of the aggressions which called for this concurrence? Nothing can be imagined more dreadful than the irruptions of the Pindarries. There is no excess of lawless violence which they did not perpetrate; no degree of human suffering which they were not in the habit of inflicting. Rapine, murder in all its shapes, torture, rape, and conflagration, were not rare and accidental occurrences in their progress, but the uniform and constant objects of their every enterprise, and the concomitants of every success. After ravaging tracts of country of all visible wealth, they inflicted torture on innocence, helplessness and age, for the purpose of extorting the avowal and indication of hidden treasure. There were instances where the whole female population of a village precipitated themselves into the wells, as the only refuge from these brutal and barbarous spoilers; where, at their approach, fathers of families surrounded their own dwellings with fuel, and perished with their children in the flames kindled by their own hands. If it were not a shame to add to such details any thing like a calculation of pecuniary loss, it might be added, that this last invasion was calculated to have cost, in booty and in wanton waste, scarcely less than a million sterling.

No wonder then that the Government of India had resolved to avenge and chastise such unparalleled atrocities so soon as the season for taking the field should arrive, even had they not received any previous sanction from England. No wonder that the Government at home had not hesitated to revoke its interdicts of war, and to qualify its injunctions of forbearance, upon receipt of details so afflicting to every feeling of human nature.

It is obvious from what I have already stated, that a war once excited in India might draw into its vortex many whom fear of our power only kept at peace. With respect to the Pindarries themselves, the difficulty was to find an opportunity of striking a decisive blow. Attacked, routed, scattered in all directions, they would speedily collect and congregate again; as a globule of quicksilver, dispersing for a moment under the pressure of the finger, re-unites as soon as that pressure is withdrawn. But the Pindarries had also chances of external support. They had, many of them, been trained to arms in the service of Scindia, the greatest among the native princes who maintain an independent rule; in the service of Holkar, long the rival of Scindia for preponderance in the Mahratta confederacy; and in that of Meer Khan, a Mahometan adventurer, who, originally employed as an auxiliary by Holkar, had the address to render himself, for a

time, master of the Government which he was called in to support, and to carve out for himself, in return for his abdication of that influence, a substantive and independent sovereignty. However contemptible therefore in themselves, when compared with the numerous and well-trained armies of the British Government, yet, as the fragments of bands that had been led by formidable chieftains, to whom they still professed allegiance, these vagrant hordes might be the means of calling into action powers of greater magnitude and resources,—Scindia, Holkar, and lastly, Meer Khan, himself essentially a predatory power, and the leader only of more regular and disciplined Pindarries. Nor was this the utmost extent of danger to be apprehended. Suspicions might also be naturally entertained that the other Mahratta powers were not displeased to see the British authority, against which they had more than once combined with all their forces in vain, weakened in effect and in opinion by the unavenged attack of such despicable antagonists; and that when the occasion should ripen, they might not be disinclined to revenge and retrieve their former defeats. But whatever might be the extent of immediate hostility to be encountered, or the chances of future danger to be calculated, the case was one which did not admit of doubt. The most beneficial acquisitions of territory would not have justified the incurring either the expense or the hazard of a

war; but no hazard and no expense could be put in competition with the vindication of national honour, and the discharge of national duty.

In the endeavour to render intelligible the origin and operations of the war, I fear I may have trespassed much too long with prefatory matter upon the patience of the House. But it will be felt that in offering these explanations, I have incidentally disposed of a question strictly military, which I have mentioned as suggesting itself on the first view of Lord Hastings's undertaking—how it happened that preparations on so large a scale were necessary for the suppresion of a horde of 30,000 horsemen? Banditti as they were, it will have been shown that they touched in near relation three powerful independent chiefs of India;—friendly indeed by the existing state of peaceful relations, but in character, and habit, and interest, our foes. It will have been shown, that two of these three chiefs being members of the great Mahratta confederacy, it would not have become a prudent statesman to lay out of his contemplation the possibility, however remote—however in the name of good faith to be disbelieved and deprecated—that the nominal head and the other members of that confederacy, the Peishwah, the Rajah of Nagpore, and the prince known by the title of the Guickwar (whose dominions are situated on the western side of Hindostan) might, if the course of events should be

protracted or untoward, forget the obligations of treaties, and make common cause with those whose hostility we more nearly apprehended.

In fact, of these last mentioned Mahratta States, our allies and tributaries, the Guickwar is the only one that did not, in the course of the war, take part with our enemies. The Peishwah and the Rajah of Nagpore, though recently bound to us by the most solemn engagements—and the latter particularly by the most signal benefits—did avail themselves of the earliest opportunity to declare against us:—with a treachery which, to Lord Hastings's trusting and generous nature, was unexpected; but which, though unexpected, did not take him unprepared.

I now come, Sir, to the operations in the field: upon which, extensive and complicated as they were—spread over so wide a theatre, and involving so much intricacy of military detail—I do not presume to venture to speak with any particularity; or to offer myself as a guide to the House through a labyrinth, which I have neither skill nor practice to enable me to trace. I shall confine myself to the general course, and character, and results, of the campaign.

The House has seen that when the Governor-General prepared to take the field against the Pindarries, he looked forward to the possible hostility of Scindia, Holkar, and Meer Khan. With the Peishwah—a prince the most important from

the influence of his high rank among the Mahratta States—and with the Rajah of Nagpore, treaties had been recently signed and ratified, under such fair seeming protestations of good faith and friendship, that, so far as instruments and professions could be binding, the fidelity of these Powers seemed assured. The treaties to which I refer are the first and second in the collection upon the Table.

So effectual were the plans and dispositions of Lord Hastings, that Scindia, the most formidable of his expected enemies, was overawed, and compressed, as it were, into a new treaty which pledged him to active co-operation against the Pindarries. The utmost extent of the stipulations of this treaty cannot be said to have been very diligently fulfilled by him: but so far the object of it was effected that he at least remained neutral during the campaign. Whether in this respect Scindia acted under the impulse of fear, or was persuaded by arguments addressed to his interest and ambition, the prudence of the Governor-General is equally conspicuous: it detracts nothing from military skill to have been aided by political sagacity. As to Meer Khan, the overwhelming force which Lord Hastings brought to bear upon him compelled his immediate acquiescence and submission. He withdrew his troops, and surrendered his artillery. It remains to speak of the third power whose hostility was

expected—Holkar. With Holkar's Government, (the actual chief being a minor) negociations were for some time carried on: regarding which, the papers on the table contain information somewhat less ample than could be wished; as, by some omission, no doubt accidental, various documents relating to these transactions have not yet reached this country. That Lord Hastings had been in negociation with the Regent, the mother of the young Rajah, and that great hopes were indulged of a favourable issue, is clear: but how these hopes were disappointed does not appear in the documents before the House. I am, however, enabled to add to what appears in the papers, one fact, the particulars of which have only come to my knowledge within a few days. A short time before the great and decisive battle with the forces of Holkar, one of the refractory and disaffected chieftains in his council took this summary method of over-ruling the policy of the Regent: he entered her tent at night, dragged her out by her hair, and severing her head from her body, cast both into the river. Of the change thus suddenly wrought in Holkar's counsels, the first indication was an attack by the army of Holkar on the troops composing the advanced guard of Sir Thomas Hislop.

This brings me to the battle of Maheidpore—the only great general action which occurred in the course of the campaign. Of this battle I feel

myself incompetent, even if it were necessary, to enter into the military details: the Gazettes furnish a more perspicuous account of it than I could pretend to offer. But I may be permitted to say, that more determined gallantry, more inflexible perseverance, or greater exertion of mind and body on the part of every individual engaged, were never displayed than in the battle of Maheidpore. The result was, the defeat and dissolution of the army of the enemy, though not without a loss on our side, deeply to be deplored. This victory recommends to the gratitude of the House the name of Sir Thomas Hislop, by whose conduct and under whose auspices it was won; and that of Sir John Malcolm—second in command on that occasion—second to none in renown whose name will be remembered in India as long as the British tongue is spoken, or the British flag hoisted throughout that vast territory.

The result of this battle, as it was the complete dissolution of the army of Holkar, so was it that of the confederacy among the Mahratta powers, which had long been secretly formed, and which an unprosperous or even a doubtful issue of our first action in the field, would unquestionably have brought into full play. A treaty of peace was forthwith negociated with Holkar, by which were ceded to us all his possessions on the south side of the river Nerbudda: and the remainder of the campaign, so far as this member of the hostile

confederacy was concerned, consisted in collecting for the British Government the scattered fragments of his dismembered chieftainship.

While the campaign was proceeding thus successfully against those whom Lord Hastings had taken into account as probable enemies, their number was unexpectedly increased by the addition of the Peishwah, the executive head of the Mahratta empire;—who suddenly broke the ties which bound him (as has been seen) in the strictest amity to the British Government. Even Sir John Malcolm—better qualified perhaps than any other person to fathom the designs and estimate the sincerity of the native powers—had been so far imposed upon, in an interview with that prince at Poonah, as to express to Lord Hastings his perfect conviction that the friendly professions of the Peishwah deserved entire confidence. In the midst of this unsuspecting tranquillity, at a moment now known to have been concerted with the other Mahratta chieftains, the Peishwah manifested his real intentions by an unprovoked attack upon the residency (the house of the British Resident) at Poonah. Mr. Elphinstone (a name distinguished in the literature as well as in the politics of the East) exhibited, on that trying occasion, military courage and skill which, though valuable accessories to diplomatic talents, we are not entitled to require as necessary qualifications for civil employment. On that, and not on that

occasion only, but on many others in the course of this singular campaign, Mr. Elphinstone displayed talents and resources, which would have rendered him no mean general, in a country where generals are of no mean excellence and reputation.

The gallant resistance of Lieutenant-Colonel Burr, at the head of the small force cantoned in the vicinity of Poonah, to the concentrated army of the Peishwah,—and the brilliant and decisive victory subsequently gained over that army by Brigadier-General Smith, stand recorded in the Gazette—memorable instances of British valour. Nor less memorable is the instance of British moderation displayed by General Smith after his victory, in sparing the then hostile capital of a treacherous enemy, which lay at the mercy of the conquerors.

It may be convenient to dispatch in continuity what remains to be stated respecting the Peishwah, though anticipating for that purpose events and the order of time. It was the task of General Smith to pursue that fugitive prince, through all the windings and doublings of a warfare which shifted its ground a thousand times; to overthrow his collected force a second time in a pitched battle; and in that battle to rescue from his power the Rajah of Sattarah, descendant of the ancient sovereigns—and, by just title, the real head—of the Mahratta empire. Of that empire

the Peishwah was originally the first executive minister. As happens frequently in Oriental sovereignties the legitimate monarchy had for some time sunk into a mere name; and in that name the Peishwahs had now for six generations exercised the supreme authority, keeping during the same period the successive hereditary sovereigns in confinement. To seize the person of the Rajah of Sattarah, in the fort of that name, in which he had long been immured, was the first object of the Peishwah in his flight from Poonah; lest, falling into the hands of the British, the restitution of that sovereign to his state should lead to the final extinction of the Peishwah's office and power. To defeat this precaution was the effect of General Smith's victories; and it was no small reward of his exertions to be the instrument of such a restoration. Amid the rapid revolutions and fluctuating dynasties of the East, it is not always that European policy can satisfy itself as to the correctness of the course which circumstances or engagements may compel it to pursue or to sanction. But it is no unsatisfactory consequence of a faithless and unprovoked attack upon the British power, that a lawful sovereign has been replaced on the throne of his ancestors, by the same British army which drove a perfidious aggressor from his capital, and finally reduced him from a wanderer to a captive.

What has been stated of the unexpected hos-

tility of the Peishwah, applies, in its general outline, and with change only of names and places, to the Rajah of Berar. At Nagpore, as at Poonah, an attack was suddenly made on the British Residency, while the attention of the Governor-General was supposed to be exclusively occupied with the Pindarry war. A similar resistance was successfully opposed to this attack by the resident, Mr. Jenkins; who affords another instance of the happy union of military qualifications with diplomatic skill; and whose courage and constancy had been heretofore displayed under very trying circumstances, when, after the former Mahratta war, he held the office of resident at the Court of Scindia. The few troops stationed at Nagpore, under Lieutenant-Colonel Scott, made a gallant stand against the superior numbers of the enemy —(a superiority sufficient to surround and overpower the British force, even if the attack had been foreseen)—instances of individual heroism displayed on this occasion are deservedly recorded in our military annals. It remained for the skill and valour of Brigadier-General Doveton to follow up the advantages thus obtained; and to complete the overthrow of a power which had acted with such perfidious violence. The hostility of Nagpore was a still greater surprise than that of Poonah. The result in both cases was the same. The Peishwah is consigned to a secure though mitigated captivity; the Rajah of Berar continues,

still a fugitive, but so reduced and deserted, that although I cannot aver that a renewal of hostilities by him is altogether impossible, I trust that they cannot be renewed in a shape likely to give the Governor-General much trouble or uneasiness.

Neither had these distant and unforeseen occurrences the effect, which was probably anticipated by the Mahrattas, of calling off the attention of the Bengal Government from the original object of their military preparations—the Pindarries. Within three months after the opening of the campaign, this formidable horde had ceased to exist as a body. Surrounded and driven, as if into a net, between the converging forces of the British Presidencies, repelled on one side from the frontiers of the Company's territories, and pressed on the other against the frontiers of Scindia and Holkar (Scindia's territory being closed against them by that chieftain's treaty of co-operation, and Holkar's by the treaty of peace which followed the battle of Maheidpore); cut off from their accustomed retreat across the Nerbudda, into the territories of Poonah or Nagpore, and unable, as is their nature, to make head against a regular army in the field, they gradually melted away, dispersed, concealed, or surrendered themselves; their families, their treasured plunder, their fortresses, fell into our hands; and that association of freebooters may, I hope, be said to

be extirpated, not indeed in their persons, but in purpose and in name.

Of such complicated hostilities, covering an extent of country before which the dimensions of an European campaign shrink in comparison, it is, as I have said, quite impossible for me to attempt any thing like a detailed exposition. Among feats of prowess and deeds of gallantry performed contemporaneously in scenes of action far removed from each other, but conducing alike to one great end, I feel totally unable to thread the mazes of victory, and to select instances for minute specification and particular praise, either with justice to the British troops, or with satisfaction to my own sense of their merits. The names of the leaders and of the actors in these distinguished scenes must be fresh in the recollection of those who have perused the reports of the campaign; and I fear that if I were to attempt a catalogue, I might, from inadvertence (though not from partiality), leave many well deserving of praise unnamed. In every instance the valour of the British troops has been eminently conspicuous. And when I say of the British troops, let me guard the House against any such erroneous impression as that the contest was one between tried and valiant British soldiers on the one side, and feeble and unwarlike natives on the other. Let it not be considered as an unequal conflict of European valour with untaught Indian courage:

for out of about 90,000 troops, whom Lord Hastings brought into the field, 10,000 only, or thereabouts, were British; the remainder were the native forces of the East India Company, trained, it is true, by European officers, and proving by their obedience, their courage, their perseverance, their endurance, that in discipline and in achievements they were capable of rivalling their British instructors.

In doing justice to the bravery of the native troops, I must not overlook another virtue—their fidelity. Many of the Bombay army had been recruited in the territories of the Peishwah; their property, their friends, their relatives, all that was valuable and dear to them, were still in that prince's power. Previously to the commencement of hostilities, the Peishwah had spared no pains to seduce and corrupt these troops—he abstained from no threats to force them from their allegiance—but his utmost arts were vain. The native officers and soldiers came to their British commanders with the proofs of these temptations in their hands, and renewed the pledges of their attachment. One man—a non-commissioned officer—brought to his captain the sum of 5,000 rupees, which had been presented to him by the Peishwah in person, as an earnest of reward for desertion.*

* The name of this man—Sheick Houssein—however unmusical to European ears, deserves to be recorded.

The vengeance denounced by the Peishwah was not an unmeaning menace. It did in many instances fall heavily on the relatives of those who resisted his threats and his entreaties; but the effect was rather to exasperate than to repress their ardour in the service to which they had sworn to adhere.

This combined courage and attachment were never more conspicuous than on one occasion, which I will take the liberty to particularize, for the purpose of paying a just tribute as well to the native troops, as to the talents of an officer commanding them. It is an instance which I may select without invidiousness, as the rank of the officer does not allow of his name being mentioned in a vote of thanks.

A body of between eight and nine hundred men, all natives except the artillery (the proportion of which to a force of this strength many gentlemen present can estimate more correctly than myself), was on its march from a distant part of the Peishwah's territories to Poonah, soon after the denunciation of hostilities, and unexpectedly found itself in presence of the whole Mahratta army. What was the exact amount of the Peishwah's force I am not able to state with precision, but the cavalry alone was not less than 20,000. The small band which I have described, hemmed in on all sides by this overwhelming superiority of numbers, maintained

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through a long day an obstinate and victorious resistance; victorious, for they repelled on every point the furious attacks of the enemy. The chief suffering of which they complained during this singular and most unequal contest, was the intolerable thirst which they could not procure the means of slaking until the action was over. In the end they not only secured an unmolested retreat, but they carried off their wounded. In such a waste and wilderness of space and of glories, distracting the sight and perplexing the judgment, it is satisfactory thus to select some small insulated field of action, which one can comprehend at a single glance, and of which (as of some green and sunny spot in a far-stretching and diversified landscape) one can catch and delineate all the characteristic features.

From this one small achievement—small as to extent, but mighty with reference to the qualities displayed in it, the spirit which pervaded and animated the whole Indian army may be inferred. The officer who commanded this gallant little force was Captain Staunton; his rank does not entitle him to be recorded in our votes, but the House will be glad to learn that his merits and services have not been overlooked by his immediate employers the Court of Directors.

To sum up the military results of the whole campaign in a few words:—Within the short period of six months, between November and

June, eight-and-twenty actions were fought in the field, differing from each other in magnitude, but all exhibiting in unvaried splendour the character of our Indian army. One hundred and twenty forts—many of them scarcely accessible, some deemed impregnable either by force or skill—fell to that army by surrender, by siege, or by storm. To give some notion of the extent of country over which these actions were distributed, the distance between the most northern and most southern of the captured fortresses is not less than seven hundred miles.

At the southern extremity of this long line of operations, and in a part of the campaign carried on in a district far from public gaze and without the opportunities of early and especial notice, was employed a man, whose name I should indeed have been sorry to have passed over in silence. I allude to Colonel Thomas Munro; a gentleman of whose rare qualifications the late House of Commons had opportunities of judging when he was examined at their bar on the renewal of the East India Company's Charter; and than whom Europe never produced a more accomplished statesman, nor India, fertile as it is in heroes, a more skilful soldier. This gentleman, whose occupations for some years past have been rather of a civil and administrative than a military nature, was called, early in the war, to exercise abilities, which though dormant, had not rusted from dis-

use. He went into the field with not more than five or six hundred men, of whom a very small proportion were Europeans; and marched into the Mahratta territories to take possession of the country which had been ceded to us by the treaty of Poonah. The population which he subdued by arms, he managed with such address, equity, and wisdom, that he established an empire over their hearts and feelings. Nine forts were surrendered to him or taken by assault on his way; and at the end of a silent and scarcely observed progress, he emerged from a territory heretofore hostile to the British interest, with an accession instead of a diminution of force, leaving every thing secure and tranquil behind him. This result speaks more than could be told by any minute and extended commentary.

This, however, Sir, (in order that I may keep my word with the House) is the last episode in which I shall indulge. It remains only to describe briefly the general state in which our affairs were placed at the end of the campaign. The Peishwah and the Rajah of Nagpore I have already traced from their unprovoked hostility to their merited chastisement. The Pindarries, the original cause and object of the war, are gone. Of the powers which had a natural interest to side with the Pindarries, Meer Khan, is reduced to his original comparative insignificance; Holkar has paid the penalty of his hostility by the sacri-

fice of a large portion of his dominions; and the most formidable and most important of all, Scindia, having been prevented by wise management from taking that course which would justly have placed him amongst the victims of our vengeance, remains, and long may he remain, an independent sovereign. Long may he remain so!—because, anxious as I am for the prosperity and grandeur of our Indian empire, I confess I look at its indefinite extension with awe. I earnestly wish that it may be possible for us to remain stationary where we are; and that what still exists of substantive and independent power in India, may stand untouched and unimpaired. But this consummation, however much it may be desired, depends (as I have said) not on ourselves alone. Aggression must be repelled, and perfidy must be visited with its just reward. And while I join with the thinking part of the country in deprecating advance,—who shall say that there is safety for such a power as ours, in retrogradation?

In one view, the accession of territory, by the various operations of which I have attempted to give some outline, is as important as the war was justifiable and necessary. In the beginning of this war the frontier to be guarded was in extent not less than two thousand five hundred miles. In consequence of our late successes, and of the tributary alliances which have grown out of them,

that frontier is indeed much advanced; but in proportion as it is advanced it is also narrowed, so that the line towards the Indus does not now present more than one-third of the extent of the former external boundary.

I have thus, Sir, endeavoured to bring before the House a review of the late campaign; and imperfect as I am aware that review must necessarily be, I do not know that I have omitted any material part of the grounds on which I found my call upon the House for a vote of thanks to the Marquis of Hastings. I have said enough to show the providence with which he called forth, and the skill with which he arrayed, the forces of the great empire committed to his charge; the wisdom with which he laid his plans, and the vigour with which he carried them into execution. I conclude with proposing the vote to Lord Hastings as the commander under whose auspices these successes have been achieved; but I think it due to him as a statesman at the same time to assure the House that his most anxious wish is to improve by the arts of peace the provinces acquired in war; extending the protection of British justice to every part of our widely-spread dominions; but leaving as he may find them the harmless prejudices of nations; and conforming our Government to native habits and institutions, wherever those habits and institutions are not at variance with equity and reason: convinced that

the British rule will be stable throughout India, in proportion as it is beneficent and beloved.—— [Mr Canning here read the vote of thanks to the Marquis of Hastings.]

It is necessary that I should preface the second resolution with a few remarks on a circumstance in the conduct of a gallant general, who has greatly signalized himself in this campaign.

I mentioned, in the earlier part of my speech, that one of the first results of Sir Thomas Hislop's victory over Holkar, was an order issued by that chief, and intrusted to Sir T. Hislop, for the surrender of certain fortresses to the south of the river Nerbudda. Amongst the fortresses so ordered to be surrendered to Sir Thomas Hislop, was that of Talneir. At that place an event occurred which is related in the papers before the House, and the particulars of which it is not necessary for me to repeat. In those papers the House is possessed of all the information which the East India Company or the Government have received on this subject. With that information neither the East India Company nor the Government are satisfied. The only course which, under these circumstances, could be adopted, was to send instructions to the Government of India to transmit to England the most ample information, and to institute, if necessary, the most minute inquiry. I am very far from admitting that because there has been an omission in sending home satis-

factory documents, we are therefore to conclude that the transaction is not justifiable. The inference must be the other way:—First, from the character of *a* British officer; secondly, from the individual character of *this* officer, whom (though I am not myself acquainted with him), I understand to be eminently entitled to praise, not more for his professional talents, than for his abhorrence of every thing cruel or severe. We have further, in support of this inference, two separate approvals of his conduct by the Marquis of Hastings, conveyed in the most unqualified terms. It is impossible to imagine any interest or affection that could have induced Lord Hastings to slur over a transaction, which in his conscience he thought deserving of blame. I say this the more confidently, because instances have occurred in the course of this campaign which prove that, however anxious Lord Hastings is to bestow praise where praise is merited, he knows his duty too well to withhold blame from those who have justly incurred it. Those instances it would be unfair to mention; but I can assure the House that such are in my possession.

When the despatch which contains the account of the capture of Talneir, was transmitted in the military department of the official correspondence, it came unaccompanied with any civil details whatever. I felt some reluctance in making the bare military statement public: but I thought

the plain course to pursue was, to deal with this despatch as other despatches of a military nature had been dealt with; looking forward confidently to the arrival of the details which were wanting to give the transaction its true colour.

Those gentlemen who take an interest in Indian affairs must know how uncertain correspondence is with that part of the world. There have been —there still are—great chasms in the correspondence respecting the late campaign. In last Saturday's Gazette, is an account of occurrences which took place not less than a year and a half ago: it is not the fault of the Government that the intelligence of them did not arrive sooner. And here it may possibly be expedient for me to state, by the way, why despatches, of which the general interest is gone by, are nevertheless inserted in the Gazette. The reason, Sir, is this: from the intense and laudable eagerness with which military honours are sought for, it is necessary that those services by which such honours may be merited, should be publicly recorded. Public record being made--and wisely—an indispensable condition of the grant of those honours, it would be hard to run the risk of invalidating any officer's title to them hereafter, by keeping back altogether the notification of services, the official report of which might have happened to be delayed.

To return to Sir Thomas Hislop: his despatch

arrived in August; the approbation of the Marquis of Hastings, though dated only a fortnight after that despatch, did not arrive till the 27th of November. The details of a complete justification may be now on their way.

In this imperfect state of evidence three modes of proceeding presented themselves to Government. The first was, to withhold remuneration altogether from the services of the Indian army till this point should be cleared up: but no man who knows the spirit and temper of armies in general, and the composition of the Indian army in particular, would recommend a course so ungrateful and ungracious. The next was to grant to other deservers the proper honorary rewards, omitting the name of the commander under whom the most considerable victory had been gained—the name of him in whose praise the letters from India were lavish: but such an exception would have placed on his character a stamp of obloquy too deep to be effaced by any subsequent atonement. The last course was, to include him with the body of officers to whom military honours were due; still, however, expecting and requiring at a future period a satisfactory explanation of this particular part of his conduct. If the House shall be of opinion that the Executive Government have not judged amiss in the choice which they have made between these three modes of proceeding, the House will, perhaps, so far

countenance and concur with their decision as to vote its thanks for military service to Lieutenant-General Sir Thomas Hislop, in common with his brave compeers in glory; and to be contented with entering, at the same time, a special record of its own suspended judgment on this particular transaction.

I admit the reasonableness of such a record, on the grounds which I have stated; though I feel that, standing in my situation, it would hardly be becoming in me to propose what that record shall be. To join it with the vote of thanks itself, when every end can be obtained by a separate Resolution, would be as harsh as unnecessary: unnecessary, since the suspension of the judgment of the House may be sufficiently marked without such a junction;—and harsh, because the vote of thanks will be placed on the regimental books, and read in front of every military line in India. This, I am ready to confess, would not be too severe a course if the transaction were finally to be imprinted with a character, such as, I trust, it never can assume: but what would be the feelings of Sir Thomas Hislop and of his comrades, if such a censure were sent forth, in ignorance here, to be read before an audience in India who might well know that it had not been deserved?

I trust, then, that the House will allow the name of Sir Thomas Hislop to stand in my second

Resolution of Thanks, without any phrase of qualification; and in return, if any gentleman shall propose a separate Resolution of the description which I have ventured to suggest, I shall think that by assenting to such Resolution I best discharge my duty to the House, to the Indian army, and to Sir Thomas Hislop himself.

The Resolutions were agreed to without a division.

STATE LOTTERIES.

MAY 4th, 1819.

Mr. LYTTLETON moved the following Resolutions:—

1. That, by the establishment of State Lotteries, a spirit of gambling, injurious in the highest degree to the morals of the people, is encouraged and provoked.

2. That such a spirit manifestly weakening the habits of industry, must diminish the permanent services of the public revenue.

3. That the said Lotteries have given rise to other systems of gambling, which have been but partially repressed by laws whose provisions are extremely arbitrary, and their enforcement liable to the greatest abuse.

4. That this House, therefore, will no longer authorise the establishment of State Lotteries, under any system of regulation whatever.

MR. CANNING* thought the question had been taken up on most unfair grounds, and treated in a manner quite

foreign to the subject. The object of this motion was, to deprive Government of £300,000 yearly, and to abolish one of the oldest taxes existing in this country. His honourable friend had said, that if the Chancellor of the Exchequer gave up the tax, it was their duty to provide him with a substitute; that if this tax were given up on moral grounds, they were to provide an unexceptionable one in its place; but it should seem now, that the burthen of finding a substitute was to fall, not upon those who took away the old tax, but upon those who were to lose it. But his honourable friend well knew—for, among all the transcendent abilities which he possessed, he thought his tactic in debate one of his greatest—his honourable friend knew as well, and better than he did, that lately they were asked to repeal the salt tax, because it was injurious to agriculture, commerce, and the morality of the people. They were asked also, to repeal the leather tax, because it was highly injurious to the agriculture, commerce, and morals of the country. Nay, among other immoral taxes, very lately they had been applied to, to abolish the spirit tax in Ireland, as exceedingly injurious to the agriculture, commerce, and the morals of the people. Even the window tax was thought to be equally hostile to the morals of the people. Now, he wished those gentlemen who were for repealing all these immoral taxes, would take the trouble of putting their amount together, and to see whether, having done so, they could suggest a *pro rata* for the quota furnished by immoral statutes; for, in spite of all the declamations they had heard about the life and adventures of a servant maid, every body well knew that taxes always bore hard on the people. To abolish those taxes now, one by one, without at the time providing sufficient substitutes for each, and without waiting for the period at which a general remission of the taxes might take place, would be

to wander in the dark, and uselessly to incur the risk of discovering that they had parted with means which were indispensable to the safety of the country. Now, did the honourable gentlemen suppose that he had said one word about the tax in question, which he (Mr. Canning) could not say, *mutatis mutandis*, of the spirit tax? His honourable friend, no doubt, well knew Hogarth's two celebrated prints, in which the effects of gin are so strikingly pourtrayed, possibly with the view of inducing a severe tax upon that article. But what ought to be done? If they followed up their reasonings against the mischief of spirits, let them abolish, under penalty, the use of them. He was not quite sure that he was correct, for he spoke without book; but he believed the Lottery had existed ever since the revolution. The whole industry of late times had been employed to reform, as fast as possible, the abuses growing out of old statutes; and if any body could, he wished he would find out the practicability of correcting the abuses and excrescences growing out of this and other taxes. Supposing those excrescences taken away, he could not conceive one, as to the manner, amount, or time of payment, less exceptionable than the lottery. The evils which had been adverted to, arose either from insurance, or from the small division of the tickets. Now, in former times, he recollected tickets being divided into thirty-two parts! and he believed they had even been subdivided into sixty-four portions. The number of shares had since been contracted to sixteen, and the temptation which had been held out to the lower orders to purchase was thus considerably narrowed. If the honourable mover thought it would ameliorate the system to withdraw sixteenths, he believed his right honourable friend would not be unwilling to adopt the suggestion. But, if they wished to remove the source of a tax that existed in all countries, and which

had been tolerated here for a hundred years, gentlemen must make use of stronger arguments than those they had adduced. Throughout the debate a personal appeal had been made to his right honourable friend,* and, because his right honourable friend was known to possess a strong sense of moral duty, ridicule was attempted to be cast on him, for maintaining a tax which he had not created, but which he found long formed and established when he came into office. The feelings of the man were assailed, in order to make him morbidly sensible of the difficulties which intervened in the performance of his duty as a minister. Those who knew him not might ridicule him for that which was, in truth, the ornament of his character—for that which gave an assurance to the country of his honour and integrity—for that which might stand in the stead of qualities that he might not be supposed by some to possess in an eminent degree. He hoped, however, that no taunts addressed to him, as an individual, would lead him to forget that he had great public duties to perform, one of which was to provide for the exigencies of the state—and that he would feel that his conduct was not open to blame, because he adopted the inherited expedients of the greatest men in this country, who had filled the situation before him.

The House divided:—

Ayes	84
Noes	134
Majority	49

* The Chancellor of the Exchequer, Mr. Vansittart.

MR. TIERNEY'S MOTION ON THE STATE OF THE NATION.

MAY 18th, 1819.

Mr. Tierney moved—"That this House will resolve itself into a Committee of the whole House, to take into consideration the State of the Nation."—The arguments adduced in Mr. Tierney's motion, are replied to *seriatim* in Mr. Canning's admirable speech on this occasion.

Mr. Canning rose and said :—

The motion, Sir, of the right honourable gentleman, as fairly explained by himself, and as understood by almost every honourable gentleman who has taken part in this debate, is, to call upon the House to exercise one of its highest constitutional functions—to sit in judgment on the character, and pass a verdict on the conduct, of the Ministers of the Crown. Some attempts have, indeed, been made in the course of the discussion, to diminish the force of the right honourable gentleman's explanation, and to detract from his just admissions. But that diminution and that detraction cannot be allowed to weigh against the avowal of the honourable mover; who puts no other interpretation on his

own object than this—that the decision of the House this night involves the fate of the existing Administration. Lest any mistake arise on this point—lest any honourable members should be unwittingly led to adopt a measure of which they do not mean to approve—I think it right to repeat, on my own part, and on the part of my colleagues, what has been most candidly and distinctly declared by the right honourable gentleman, that the issue of the division this night, if affirmative of the proposition brought forward by the right honourable gentleman, will pronounce the dissolution of the Government which now possesses the confidence of the Crown. Do I mean on that account to impute any blame or any improper motive to the right honourable gentleman? No such thing. The present proceeding is an acknowledged and constitutional mode of ascertaining the sense of Parliament on the conduct of the Administration of the country. If there is any unfairness to be complained of, it certainly is not in the nature of the motion, but in the time and in the circumstances under which it is brought forward.

An honourable gentleman, who spoke late in the debate, seems to think that he may support the motion without passing a sentence of condemnation and dismissal on His Majesty's Ministers. With this qualification I, Sir, do not presume to find fault: but I do think myself entitled to de-

sire that all those who may think with the honourable gentleman will take an opportunity of distinctly expressing that opinion, lest, by their votes, if unexplained, the House and the country—who will unquestionably construe the motion according to the general understanding of it, and according to the right honourable mover's own exposition of its intention and effect—should be deceived with respect to the object which those whose votes are thus qualified have in view. Another honourable gentleman fancies he sees a way of escaping from the difficulty, by distinguishing between his general approbation of His Majesty's Ministers, and the abhorrence which he feels for the Chancellor of the Exchequer, in consequence of the London Docks not being so full as usual, and still more on account of the dastardly imbecility with which my right honourable friend has recoiled from a double duty upon tallow. Torn as his agitated bosom was by these conflicting sentiments—by a consciousness, on the one hand, of the obligations which he owed to Ministers for their general conduct, and his indignation, on the other, at these particular and reprehensible backslidings of the Finance Minister, the honourable gentleman declared that he saw no means of evading his embarrassment, but by voting with an honourable and learned gentleman (Mr. C. Wynn) for the previous question. Unhappily, however, even this mode of retreat is not

left open to him; for that honourable and learned gentleman has not moved, nor does he intend to move, the previous question. He did, indeed, mention such a question as moveable, and as not inapplicable to the motion before the House; but after propounding the matter gravely, and weighing it deliberately, he resolved to have nothing at all to do with the division, but to go home to bed. If, therefore, the honourable gentleman is determined to follow the honourable and learned gentleman's suggestion, he must follow him, not into the lobby, but to his chamber. "Misery," as Trinculo says, "acquaints a man with strange bedfellows;" and when the honourable gentleman shall be reclined on the same pillow with the mover of the imaginary motion which he is so anxious to support, they may condole with each other on the difficulties by which they fancy themselves surrounded, and eventually perhaps may make up their minds, though somewhat too late, as to the vote to be given on a question on which, of all questions in the world, it seems most easy to come to a decisive opinion.

I have said that if I were disposed to complain of any thing in the right honourable gentleman's motion, it would be only of the time and the circumstances under which it is brought forward. But, in saying this, I beg to be understood as founding my objection not on the general situation of the country and of the world, but merely on

the particular state of public business in Parliament. This I think it necessary to premise, lest my observations on the proposition and speech of the right honourable gentleman may be misunderstood. The course of argument which has been pursued by the right honourable gentleman is this:—that the country stands, both internally and externally, in a situation of extraordinary difficulty and even peril; a situation demanding all the attention which the most able and experienced minds can bestow upon it. I am very ready to admit that the internal situation of the country is full of difficulties; but they are not insurmountable. There is nothing in that situation which ought to lead us to despair. I admit also that it is impossible to look through the world without perceiving that there may be some latent and not yet unfolded grounds of foreign embarrassment, some distant chance that the exertions which have been made for the establishment and preservation of general tranquillity, however strenuous and ardent, may be frustrated at some period, more or less remote, by occurrences, difficult to foresee, and not possible to be guarded against. Who will undertake to say, that at this very moment some unperceived danger may not be gathering over the country? and when was there a moment in the history of the country at which such an undertaking could be confidently hazarded? In making these admissions, there-

fore, I beg to be understood as not alluding to any specific circumstances of difficulty or danger; but merely as not opposing to the vague suppositions of the right honourable gentleman, any assurance that might be understood as intended to deprecate discussion, or to divest the right honourable gentleman's motion of the character and importance which he has assigned to it. Whatever may be the grounds, or whatever the amount of the apprehensions reasonably growing out of the present situation of affairs—in one thing I most cordially agree with the right honourable gentleman, that nothing could more effectually tend to preserve the tranquillity now so happily prevailing throughout the world, than an impression that we should not shrink from war in case of necessity. To this end it is unquestionably indispensable that our financial system should be sound. And to make it so, it is no doubt necessary to purge it of its defects, to repair its infirmities, and, above all things, to give such an ample and undisguised explanation of its real condition, as may render it perfectly clear and intelligible, not only to this country, but to the world. All this is as strongly felt by His Majesty's Government as by the right honourable gentleman; and the only matter of which they have a right to complain in respect to the present motion, is that it is brought forward prematurely, and, if not with the purpose, certainly with the effect, of

intercepting and anticipating that exposition of the whole of our system of finance, which it is the undoubted duty of the Ministers to bring forward, and which it is notorious that they will, in the course of a few days, submit to the consideration of Parliament. The right honourable gentleman has so timed his motion as to enable himself, whenever this exposition shall be made, to exclaim, "Aye, this flows from my motion; just as the inquiry into the affairs of the Bank was the consequence of my former notice." As to the origin of the inquiry into the affairs of the Bank, that question was disposed of at the time, and I will not now weary the attention of the House by re-arguing it: but as to the financial statement, I can assure the right honourable gentleman, that nothing but the obvious necessity of first completing the investigation of the Committee on the Bank, and of determining the character of the future currency of the country, before any solid and permanent system of finance could be established, has prevented my right honourable friend, the Chancellor of the Exchequer, from proposing to the House the plan of finance which has been prepared, not merely for the present year, but for the whole period of peace, whatever may be its duration. My single objection, therefore, to the fairness of the motion is, that it endeavours to take from Ministers the initiative which belongs to them on this momentous subject; on which (as

the right honourable gentleman himself most justly argues) the whole view of the state of the country, external as well as internal, depends.

The right honourable gentleman has, however, avoided entering into any examination of the labours of the Secret Committee, or into the much agitated question respecting the currency, or into the details of our financial situation. In this abstinence I will imitate him: and having merely protested against the implication, thus unfairly conveyed in the motion, that the right honourable gentleman's interference (however great his talents in that line, or however laudable the application with which he has directed them to that object) was necessary to obtain for the House and for the country a prompt and full examination of our financial wants and means, I will proceed to follow the right honourable gentleman through the wider range and more general topics of his speech.

The right honourable gentleman appears to think that in consequence of the alleged exhaustion of our finances, opportunities have been lost of asserting the interests and vindicating the honour of the country. On this point the right honourable gentleman did not indeed express himself in very direct terms. He was contented to "just hint a fault and hesitate dislike." He just made the allusion, and left it to work its own impression. He said that two British subjects had been murdered under the forms of justice by

a general of the United States. The act was not characterized by the right honourable gentleman in terms of too strong abhorrence; but for what purpose was it thus alluded to in a motion for a Committee to inquire into the State of the Nation, unless for that of insinuating, that there had been something in the forbearance of the British Government which could not be accounted for but by a consciousness of absolute impotence? And yet the right honourable gentleman himself confessed his doubts whether, by the law of nations, the interference of the British Government on this occasion would have been justifiable. The right honourable gentleman's doubts are well founded. His Majesty's Ministers have not been the less diligent or the less anxious in their deliberations and researches, to ascertain whether, consistently with the law of nations, they could interfere, than if they had (as was the first natural impulse in every British bosom) made this country and America ring from one end to the other, with cries for redress. Let it not be imputed to His Majesty's Ministers that they alone, of all Englishmen, of all mankind, felt not the indignation at the act in question which it justly merited; that the moral guilt and baseness of that atrocious proceeding appeared to them in any other light than to the plain understanding of every right-minded individual; or that it would not have been easier, ten thousand times more easy as

well as more grateful, to have followed at once where their feelings led the way, than to have curbed, and questioned, and disciplined those feelings by a reference to their duties and obligations. But if the unhappy men who were the victims of this inhuman outrage, placed themselves by their own act out of the protection of their Government; if there was no right of interfering in their behalf, which would have justified an appeal to the last extremity, by which atonement, if not granted on a first requisition, must be enforced; if therefore remonstrances disregarded would not have justified resentment; if to have called for reparation would have been to enter upon a course from which, when unsatisfied, we should have had nothing to do but to retire; surely it will be felt that the dignity of the country would have been ill consulted by a proceeding at once fruitless and humiliating: and surely credit may be given to us for having discharged—reluctantly discharged—our duty to our country as Ministers, without imputing to us an insensibility which would have disgraced us as men.

Again, as to the cession of the Floridas by Spain to the United States, the right honourable gentleman spoke, not as if he himself thought, but as if it might be thought by some one, that the British Government ought to have interfered for the purpose of preventing that cession. Unquestionably it would have been more to the

interests of this country that the Floridas should have remained in the possession of Spain. But by what right, by what construction of the law of nations, independently of the specific stipulations of particular treaties (and none such were in this case in operation), could the British Government interfere to prevent a transfer of territory between independent powers; unless it had been prepared to make common cause with the nation of whom the cession was required? It is, I believe, pretty generally admitted on all sides, that Ministers have rightly abstained from any interference in this matter; but if no blame is imputed to them, why was the subject introduced into the right honourable gentleman's speech, in a manner which either meant nothing, or meant that there might be something to find fault with? On another point, the right honourable gentleman was less equivocal. He clearly did mean to impute blame to Ministers for not having openly espoused the cause of the South American provinces. When I recollect, Sir, all that has been so often declaimed in this House on the advantages of peace, on the dangers of war, on the impropriety of interfering in the concerns of foreign nations—when I recollect all those brilliant common places with which the ears of every honourable member present must still be ringing, I confess my astonishment at the tone of the right honourable gentleman's remarks on the subject of

Spanish South America. I am astonished at the suggestion, coming from a statesman, not liable to be misled by the ebullition of any very romantic or fanatical spirit, that the Government of this country ought to have committed its honour and resources in a new, and what I must call unnecessary war against Spain, for the purpose of fomenting the struggle between her and her colonies. I have heard of many wars rashly undertaken—I have heard of wars of interest, wars of temper, wars of honour, and wars of speculation; but I never yet heard of so mad a proposition as that the cause of the insurgents in South America (I do not mean by the term "insurgents," to give any opinion as to the merits of the cause) should be taken under the protection of Great Britain. Putting out of question the moral right of such an interposition, have any of these sanguine enterprisers, who contend for alliance with the insurgents, condescended to calculate the magnitude of the undertaking—the distance—the risk —the cost—and that to an "exhausted country?" No, the British Government had but one wise, as but one honest course to pursue in this contest. They have not interfered to assist either party, but they have repeatedly offered their good offices with a view to reconcilement through an impartial mediation. That mediation has unhappily proved hopeless, nor was it our business to obtrude it undesired: nor would we, nor ought we

to undertake to give effect to it, on condition of enforcing it on either side by arms. Amicable intercourse has been kept up with every part of South America to which our flag has access; and I have no doubt that a strong sense is entertained of the pacific and impartial dispositions of England throughout the continent of South America, unless where her character has been maligned, and her motives distorted, for purposes of local delusion, or of personal interest. But, on the other hand, the armaments fitted out from this country in aid of the South Americans have undoubtedly created (and have been most diligently and unfairly employed to create) an impression that the wishes and opinions of the British Government were embarked with the adventurers of which those armaments were composed. Such a supposition is wholly inconsistent with the neutrality professed and observed by the British Government, and may require contradiction; but it is unquestionably a conclusive answer to the imputation of partiality against the South Americans. The wisdom, as well as the good faith of this system of neutrality, must, I think, be obvious to every one, except to a race of petty politicians (I certainly do not mean to include the right honourable gentleman in this description), who hold that the present is a fine opportunity for retaliating upon Spain, the conduct which we experienced from her during the contest

with our North American colonies. Yes, we have retaliated; but I trust on a more just, at least a more Christian principle. Our retaliation has been to endeavour, by mediation, to heal the wounds which discord had inflicted on both parties in the quarrel. Would to God that our offers had been accepted. Would to God that the parties who were the objects of it had yielded to the suggestions of friendship and sound prudence; and that instead of tearing each other to pieces with a waste of blood, such as few wars have occasioned, some compromise could have been effected, favourable at once to rational principles of liberty, and to the peace of the old world and the new. In one respect, His Majesty's Ministers are certainly guilty of the charges brought against them. In their transactions with South America, they have abstained from endeavouring, by a commercial treaty, to turn the troubles and distresses of a struggling people to the advantage of this country. The assistance which they did not think it right to grant, they would not be tempted to sell; and so far have they carried their forbearance in this particular, that in all their repeated offers of mediation, while they have uniformly stated freedom of trade as one of the conditions which justice would stipulate for the colonies, they have as uniformly disclaimed for Great Britain any separate or partial commercial preference. Let peace be established, let trade

be open—competition, enterprise, capital, would ensure her due share of advantage to this country.

These, I think, are all the questions of external policy to which the right honourable gentleman has adverted, with the exception of those general reflections on the state of Europe, which have been already satisfactorily noticed by my noble friend, the Secretary of State.

To return to internal matters. The manner in which the right honourable gentleman brought forward his motion, rendered it almost impossible wholly to preclude discussion on the affairs of the Bank, the currency, and the finances. Nor has the caution which the right honourable gentleman himself observed on that subject, been imitated by those who followed him. To their remarks, however, I do not mean at present to reply. Nor shall I dwell particularly on the more unimportant charges which the right honourable gentleman has copiously flung out against His Majesty's Ministers, but shall confine myself to the pervading topic of his speech. According to the right honourable gentleman, not only are His Majesty's Ministers, taken as a whole, incompetent to bring the resources of the empire into full and healthy play, whether in respect to its internal or external polity; but their deficiency is rendered still more deficient, and their imbecility more weak by divisions among themselves:

there is no point of union among them, no common principle of action. The country ought therefore to look to an administration all strength—all unanimity—the members of which should not have taken different sides on any question of great political interest. But where is this perfect administration to be found? Not certainly in the persons of the right honourable gentleman and his friends around him. Be it remembered, that it is not I who allege this matter of accusation. But if it be indeed absolutely indispensable for the conducting affairs wisely and steadily, with prudence and decision, that there should be no difference on any important subject among the members of an administration; and if it shall farther appear that such differences would nevertheless exist under any possible administration that could be formed out of the materials now available in this country, the result, I fear, will be not only that the present Ministers cannot go on, but that the country must altogether despair of an efficient and serviceable administration. The truth, however, I believe to be, that those theorists tax human nature too high, who require, among any number of men capable of forming an opinion for themselves, an undeviating unanimity of opinion upon every one of the various and complicated questions that can occur in the management of the affairs of this extended and diversified community. An agreement in general principles,

and a concurrence in the details of practical administration, are undoubtedly necessary to give consistency to councils, and unity to action. But upon points either purely speculative, or of comparative unimportance in practice, there may be —there must be—occasionally such differences among intelligent and instructed minds, as may render necessary mutual concessions for the sake of the public service. Measures must sometimes be shaped and modified by the comparison and partial compromise of different opinions. If the result be to present for practical adoption, and to support with frankness, strength, and union, measures of sound policy, any harshness of criticism or severity of examination into the process by which such consent may have been obtained, would be utterly misplaced—would be to travel beyond the sphere of human action into that of thought, with which human judgment has no concern.

I apply these observations specifically to the instance on which the right honourable gentleman has commented with the greatest severity—the question of the resumption of cash payments by the Bank. If the measure to be proposed on the report of the Secret Committee has the concurrent recommendation of every member of the Administration, I know of no point of honour which calls for explanation, as to the particular opinions which may have been compromised to arrive at

that conclusion, and to produce that salutary concurrence. The existence of that complete practical concurrence, on that most important practical measure, I have the happiness to announce. The right honourable gentleman may easily point out (for they are on record) the particular differences of opinion which prevailed at a former period—a period when I and the right honourable gentleman thought together on the principles of this intricate and interesting subject. I, Sir, hold unchanged the opinions which I avowed in 1811. The right honourable gentleman, I presume, has not altered his opinions—indeed, I know he has not as to principles; but yet, in the Secret Committee, concurring as it did almost unanimously as to the practical inference to be drawn from those opinions as applicable to the present state of the question, the right honourable gentleman admitted that he stood alone. It is not difficult for one man to be unanimous: but the right honourable gentleman has much difficulty in understanding how those who, holding different opinions on a difficult and abstract subject, have nevertheless been able to agree in one common conclusion; while he, holding the opinions of the majority, had contrived nevertheless to have a conclusion entirely to himself. The right honourable gentleman has talked of the supposed disunion among the members of the Cabinet, as if it pervaded every question connected with the welfare

of the nation. But the fact is, Sir, that I know but one great national question, namely, that which is called the Catholic Question, on which the members of Administration are divided in opinion; and no man better knows the sources from which that disunion has flowed, and the attempts which have been made to remedy it, than the right honourable gentleman himself. On that question, indeed, I speak my sincere sentiments, when I say, that it is hopeless to look for an united opinion in any administration which there are the means of forming. I believe I can speak with as much experience on this subject as any one in the House; and I am persuaded, that had it been possible, out of the public men in the country to form an Administration united on the Catholic Question, and not differing widely on other questions of equal importance, that object would have been achieved in 1812. To that object, I twice in that year sacrificed what the right honourable gentleman acknowledged, and what I have no hesitation in acknowledging with the right honourable gentleman, to be the legitimate object of liberal ambition in a free state—a share in the Government of the country. Twice in that year did I sacrifice this object of ambition, for the express purpose of being the better able, either to produce (in conjunction with abler and worthier men, who earnestly and sincerely, but vainly, laboured after the same object) the union

in Administration of persons agreeing on this question, or (failing that attempt) of serving the question more effectually out of office. It is not necessary to recall to the right honourable gentleman's recollection, the fruitlessness of the search after both of these objects. Every attempt at forming an Administration that should be united upon the Catholic Question, and at the same time upon other great principles and measures, more immediately connected with the carrying on of the public service, failed; and upon that failure the present Administration was formed. In that formation I was not included; but I speak with perfect confidence, when I assert that those who gave their support to the present Administration, on its formation, did so on the understanding that every member of that Administration entered into office with the express stipulation that he should maintain his own opinion in Parliament on the Catholic Question. Whether such a stipulation was wise or not, is another question which I will not now argue; but I will say to those who now first object to it, that they come too late. They ought to have stated their objection when the Administration was framing, and not now charge as a crime that which was settled with their entire cognizance and zealous approbation. When I subsequently entered office, my opinion on the Catholic Question remained unchanged; I take for granted, that the understanding which

I have described, that I as well as every other member of the Cabinet, should maintain my own opinions on that subject in Parliament, was unchanged also; and I do not see on what pretext, having taken a course in perfect coincidence with that understanding, I could now be called upon, either by those who oppose, or those who favour the Catholic cause, to desert the ranks of the Government. I feel no such obligation, in point of honour; and I will go farther, and confess, that after all that has passed since 1812, I should now doubt, with a view to the ultimate success of the question itself, the prudence of attempting to make it the test and bond of opinion in an Administration. Although, as I said in 1812, there was no sacrifice which I was not ready to make, and which I did not make for the sake of forming an Administration which should agree upon it, the difficulties in the way of accomplishing that object, did then appear to me insurmountable; every succeeding year has added so much to my conviction to that effect, that if, by the vote of this night, the power of forming a new Administration should be conferred on the right honourable gentleman, I venture to assure him, that he would find it less easy than he is aware, to form an Administration which would be able to carry that question effectively and safely as a measure of Government, and at the same time to do justice to the country in other important branches of its

affairs. Indeed, the gentlemen on the opposite side of the House ceased, long before I did, either to imagine such a scheme of Administration feasible, or to think it desirable—I know not which—for in 1806, when the framing of an Administration was entrusted to the then leaders of opposition, they not only included, but solicited permission to include, in their cabinet, two noble lords (Lords Sidmouth and Ellenborough) who were known to be decidedly hostile to any farther concession to the Catholics. If I might be allowed to state my present creed upon the subject, I would say, that I believe, not only that the difficulties of combining an Administration unanimous on the question of the Catholic Claims, are insurmountable, but that it is not desirable, with a view to the public good, that such an Administration should be formed. An Administration decidedly and uniformly favourable to the Catholic Claims, or one decidedly and uniformly hostile to them, would be equally likely to excite a clamour, and to engender an irritation, at variance with the best and most essential interests of the empire. In this case, as well as in many others, that which at the time it occurred was a bitter disappointment, has providentially turned out to be a most happy circumstance. The question is (in my judgment) gradually making its way in public opinion; and to public opinion it ought to be

allowed eventually and soberly to settle the question. Such are my sentiments with respect to that question, the only important question on which any difference of opinion exists in the Cabinet.

Another charge which has been brought forward against Government is, that they have not had strength enough to resist the motions which have been forced upon them. Undoubtedly the charge is true in two memorable instances, in which Ministers failed in resisting the appointment of committees. Overloaded with committees of their own proposing, the kindness of the opposite side of the House, it seems, has forced upon them others which they have not been able to decline, although anticipating from them mischiefs of the greatest hazard and magnitude.—Very true—twice have these suggestions been tendered for their acceptance—twice attempted to be evaded, and twice have majorities of the House—not very large ones, it must be owned—but majorities, compelled their acquiescence. If I am asked, whether this is the way to carry on the affairs of the nation? I answer, with the utmost frankness—No. A Government by minorities would undoubtedly be a very new, and upon the long run, not a very safe or efficient mode of Administration. But, at the same time, there are various considerations to be weighed before a ministry can properly fix the point at which they

will pledge their existence as a Government, upon a vote of the House of Commons. The occasion must be adequate, or they might cover themselves with ridicule. But the frequency of small occasions, I admit, would constitute an adequate case; and I admit farther, that enough of such smaller occasions have occurred, to make Ministers very anxious to learn whether the confidence of the House has really been withdrawn from the existing Administration, and to make them feel very thankful to the right honourable gentleman for having afforded an opportunity of trying that question upon the present motion. If the support to be calculated on by Government be only such as they experienced on the two occasions to which I have alluded; if they can rely on no other, then, no doubt, they are gone. The right honourable gentleman says that Ministers will take no hints. If they are not prepared to take the hints to which the right honourable gentleman adverts, it is not because they turn a deaf ear to them, but because they do not understand them so clearly as to be sure that they would do right in acting upon them. A series of such hints occurring in rapid succession, would unquestionably throw the Government into the right honourable gentleman's hands; and if such be the intention of the House, the sooner and the more clearly it is made manifest, the better.

But there is another view in which the appoint-

ment of committees is objected to the present Administration. It is said, that they are a government of committees—that they abdicate the functions of the executive authority, and fritter them away by partial delegations. It is a little hard in the right honourable gentleman thus to blow hot and cold at the same time. Does he mean that the proposal of a committee is in itself a crime in a Government, and the resistance of such a proposal in all cases a duty? Does he mean that the opposition only should have the privilege of proposing a committee, and then of railing at the Government equally whether they adopt or resist it? When the honourable gentlemen get into one of their *conciliabules* to devise a motion for the annoyance of Ministers, do they once in a hundred times make such a motion in a direct shape for such or such specific measure? No. The constant device is, to move for a committee of inquiry; a committee of inquiry is the standing recipe for stray votes—for catching, for instance, that of the honourable member for Bramber (Mr. Wilberforce). Bait the hook of these motions with a committee, and the fish are sure to bite. Nay, some honourable gentlemen, it appears, this night, are so voracious for a vote in opposition, that they even take the hook when there is no bait to cover it; when the right honourable gentleman plainly and openly tells them, that his object is not to obtain the committee which forms the pretext of

his motion—that it is simply and nakedly to turn out the Ministers.

But, Sir, I deny that Ministers have resorted to committees except when they have found themselves utterly unable to discharge the detailed duties entrusted to those committees. They shrink from no just responsibility; they neglect no attendance; they share no discussion in this House;—but it ought to be borne in mind how great a change has taken place of late years in the business of the House of Commons—a change which has thrown a burden of business upon Ministers, which no physical or mental constitution can adequately sustain. I call upon those members of the House of Commons who recollect the good old times when the destinies of the empire were swayed in Parliament by Mr. Pitt, or Mr. Fox, to say whether the labours of an Administration in those days were to be compared with what they are now. The Ministers were not then harassed and perplexed by a complication of daily business, with the whole of the details of which, however trifling, it was expected that they should be intimately and accurately acquainted. Their time was not then vexatiously wasted on questions of complaint and cases of pretended grievance, such as a pied-poudre court would not entertain; such as a court of conscience would dismiss without the award of a farthing damages. It is now expected that

Ministers should come down to the House every night fully possessed of details of facts, and characters of individuals concerned, and histories of the transactions of years, whenever any person blasted in character may have prevailed on an honourable member to present a folio volume of a petition, charged with falsehoods and libels; and which, after three or four hours wasted in fruitless conversation, is found to be unfit to lie upon the table. Thus the marrow of the day is consumed: and then, after three or four hours passed in a weary, vexatious, useless debate, the Ministers, jaded and fatigued, as they must necessarily be, are expected to proceed to public business, with a host of new opponents, who *plene pasti*, come like giants refreshed to the battle; whilst the unfortunate Minister, exhausted and *impransus*, is to enter upon a new course of wrangling, happy if at last he can get through one-third part of the real business of the day. It is not then in these cases the weakness of the Minister of which complaint ought to be made, but the weakness of man; for human strength is unable to endure this wearying, worrying, uninteresting, and unprofitable course of exertion. The right of petitioning is a sacred right: but every body must feel to what an extent in these days the abuse of it is carried. That abuse is arrived at such a height, that, in self-defence, if the House values its time, which is the public property, and its functions, which are for

the public benefit, it must be remedied one way or other. While Government is thus daily harassed and tormented, can it be matter of surprise that many important questions which require examination in detail, are referred to the consideration of committees? How else can they be beaten out, and sifted to the bottom? Neither time nor human strength would avail for such a task.

"Why," it is said, "do not Administration take up the subject of the poor laws?" "Why," it is asked with admirable consistency on the part of the honourable gentlemen opposite—"why do not Government, foolish and ignorant as they are, undertake to settle the most extensive and important problem that ever came before Parliament? Weak and contemptible, why do they not carry a measure which Mr. Pitt, in the plenitude of his power, found too much for him; in which Mr. Whitbread, in the vigour of his strength, and backed by the influence of Administration, found himself utterly unable to make any way? With such examples before them, why do not Government decide off-hand a question growing out of the usage of centuries, interwoven with the habits and deeply rooted in the prejudices of different classes of the people?" A reference to what has actually taken place will be the best answer to these queries. It will be seen, that the subject, even in the neutral hands, as I

may call them, of my right honourable friend (Mr. Sturges Bourne) whose knowledge and industry so well qualify him for the task, and whose firmness and courtesy hav e conciliated the esteem and good-will of all who have had to act with him upon the subject, who has conducted the discussions upon it without the shadow of an allusion to any topic that could stir up party feeling; it will be seen even in his hands, the principal measures emanating from the committee over which he presided, have failed of receiving the support of the House—and that the gentlemen on the opposite benches are divided in opinion respecting it. What is the inference? Simply this: that if Government had brought forward such a proposition, and had attempted to carry it as a party or ministerial question, the benches opposite would have been, night after night, in as full array as they are at the moment at which I am speaking: and those who have not been able to agree on a question by the decision of which no political triumph was to be obtained, would have found it easy enough to concur in opposing—where opposition was stimulated by the hope of discomfiting their political antagonists. Gentlemen well know with how many inflammable and inflammatory topics the discussion of the poor-laws is nearly allied; how much food for declamation would have been furnished against the weakness, the inconsistency, the corruption

of Ministers, if they had hastily adopted any plan on a matter so deeply interesting to the whole nation, and perplexed by so many contradictory theories and conflicting interests. The time may come when, after the whole of this great subject has been well and thoroughly examined by the persons most capable of examining it advantageously, by persons bringing local knowledge and practical experience in aid of general principles of theory and law—it may be the duty of the Executive Government to select that one out of the different suggestions propounded by the Committee, to which they will give their support, and which they will endeavour to persuade Parliament to pass into a law. But of all the subjects of legislation on which Government ought not hastily and prematurely to interfere, without ascertaining and if possible carrying with them the prevailing sentiment of the country—this of the poor-laws appears to me to be the one on which it would have been the most unadvisable to take a precipitate course.

But to turn from these specific charges to the general scope and object of the right honourable gentleman's motion. Suppose, for a moment, that it were carried, what is the amount of advantage, let me ask, that would arise from the change of Administration? Suppose the right honourable gentleman and his friends in power; is there no question, like that of the Catholic Claims, or the

Scotch Burghs, which might produce some dissension in their ranks? What do they think of parliamentary reform? What do they think of another Westminster election? It is true that the honourable baronet,* one of the members for Westminster, is this night with them; but it is only on the understanding that they will support his darling measure of parliamentary reform. After some hesitation, and a sort of whispering negociation, carried on openly in the face of the House, it appears, that the right honourable gentleman has acceded to the honourable baronet's conditions, and that a coalition has been established between them. Suppose, then, the new coalition Ministry to be formed, who in point of talent—yes, who in point of talent, rank, and of consideration in the country, is better fitted to be a leading member of that Cabinet, than the honourable baronet? Well then, every body knows that one of the first questions which the honourable baronet, when Minister, would bring forward, would be the great subject of Parliamentary Reform. What then would be the conduct of the Whig members of the Cabinet? Either they would come forward in a body to support the plan of their honourable colleague, or they would flatly contradict their professions during a long series of years, and by refusing to support a reform in Parliament, create a division in their

* Sir Francis Burdett.

Administration on what I presume the right honourable gentleman will allow to be one of the most important, the most comprehensive, the most vital questions that ever "agitated the country." What would this be but the very same reproach which they so unmercifully cast on their unfortunate predecessors? An honourable member has said, that if the Ministers are popular in the House, the Whigs are popular in the country. Really, Sir, I should have thought that popularity was the last topic that the Whigs would have suffered to be put forward as one of their pretensions to come into power. I do not presume to say, that the Ministers are particularly popular, or that I am so, more than the rest of my colleagues; but I have myself gone through the ordeal of a popular election, without the accompaniment of mud and grenadiers. I was not subjected to such striking proofs of favouritism, as those idols of the people, the Whigs: my retreat was effected with more safety than that of the routed cavalcade, who, with laurels in their hats, and brickbats at their heels, bedaubed with ribbands and rubbish, were only rescued from their overwhelming popularity by a detachment of His Majesty's Horse Guards! Suppose, then, these mud-bespattered Whigs were to come into office instead of the present Ministry, where, after all, would be the advantage worth contending about? Is it the trifling difference been an unpo-

pular and a pelted Administration? The right honourable gentleman has confessed that the present is a trial of strength; and I trust that the division of this night will show which party, in the opinion of the House, is most likely to give stability to our internal quiet, and permanence to our external glory; and to diffuse a general satisfaction and general confidence throughout the country. With a view to deciding this question of preference aright, the right honourable gentleman has said, that it would be the duty of the committee to take a retrospective view of the transactions of past years. Yes! and in fulfilling that duty, the committee would have, on the one side of the retrospect, to count nations rescued, and thrones re-established; battles won with matchless courage, and triumphs unparalleled in their splendour and consequences. They would see this little island, after having saved the Continent, watch with a steady guardian care over the tranquillity which it had restored. They would have to enumerate, on the other side of the account, a series of persevering objections to every measure by which these glories and benefits have been obtained; a succession of theories refuted by facts, and of prophecies falsified by experience: an uniform anticipation of disaster and defeat, contradicted by an uniform achievement of successes unequalled in our history. The proposed committee, if appointed, would have to choose

between the two parties to which these attributes respectively belong. But what need of a committee to make the option? The whole subject is before the House; and the House may at once come to the decision. All that I ask for my friends and myself is—a decided course. If Ministers are found wanting, let them be dismissed kindly (for promptitude in such a case is kindness), with a clear and striking majority. If the course which they have taken is approved, and if they are to be retained by the vote of this night in office, let them be retained with the assurance of receiving such a support as will enable them to conduct the affairs of the country with dignity and advantage.

The House divided.—

Ayes	178
Noes	357
Majority against the Motion	179

FOREIGN ENLISTMENT BILL.

JUNE 10th, 1819.

The ATTORNEY GENERAL having moved the order of the day for going into a committee on the Foreign Enlistment Bill.

On the motion that the Speaker leave the Chair,

Sir James Macintosh delivered a most brilliant and powerful speech against the principle of the bill. It was listened to with the greatest attention, and the honourable and learned gentleman sat down amidst loud cheers from both sides of the House:—

Mr. Canning* rose. He began by declaring, that there was not a man in the House who had expressed his merited approbation of the eloquence of the honourable and learned gentleman that was more sensible of it than himself, or that felt more deeply than he did the difficulty of the task prescribed to him by his duty of endeavouring to remove the splendid impediment which the honourable and learned gentleman had raised in the way of what he (Mr. Canning) considered to be the straight-forward and honourable course which the House ought to pursue. If, in his observations, he should confine himself to a few of the honourable and learned gentleman's statements, he trusted that it would not be attributed to any disposition to pass lightly over his magnificent speech. He, however, must conjure honourable members not to allow themselves to be led away by the power of glowing eloquence from the real facts of the subject under discussion. It was not for the House to look to the character of Ferdinand with reference to the decision of the question before them, but to consider how far the proposed measure was justified and required by the circumstances of the case. If the only point to be determined were the character of the Spanish Government, he would by no means stand up as the panegyrist of the conduct, either of that Government in the abstract, or of the individual in whose hands the authority of that Government was at present lodged. But he must again caution the House against allowing any feelings excited by such a consideration to mingle and interfere with the strict discharge of their duty. Were we indeed commencing a new struggle for the independence of

Europe, we might perhaps be induced to take means for deriving advantage from services which, however they might have been unacknowledged, he, for one, could never regret had been performed. The honourable and learned gentleman had mixed with his invectives against Ferdinand VII. praises of another Government which he (Mr. Canning) could not allow to be altogether just. In the Cortes there were certainly individuals of great virtues and splendid talents; but he denied that there was any great difference between the two Governments with respect to fondness for English interests, or attachment to English alliance. And with respect to the colonies, the Cortes had unquestionably shown themselves to be the hardest task-masters, and to be more disposed to fix and perpetuate the yoke of slavery than Ferdinand. But the business of the House that night was, not to consider the character of any individual monarch or government, but to consider what was the duty of Great Britain in the pending contest. The House had to determine, first, if the existing laws of the country would enable her to maintain her neutrality; secondly, if the repeal of those laws would leave the power of maintaining that neutrality; and thirdly, if both the former questions were negatived, whether the proposed measure was one which it was fit to adopt. The question was not whether it would be better that we were under no obligation to Spain, but, being under the obligation imposed by the treaty of 1814, whether a dry and strict observance of nominal neutrality was giving her all which, from that treaty, she had a right to expect. Until the honourable and learned gentleman could "rail the seal from off that bond," he could not free England from the obligation which he had described. He (Mr. Canning) might wish there had been no such obligation. The terms of the treaty were, however, by no means liable to the censure

cast on them by the honourable and learned gentleman; for at the time the treaty was executed, the colonies had not assumed an independent character, and therefore could be spoken of in that treaty only as the revolted colonies of Spain. The honourable and learned gentleman had dwelt on the advantages to be derived by Great Britain from the success of the South Americans; but were he even in the emancipated condition of the honourable and learned gentleman in speaking on this subject, he might nevertheless hesitate to say whether any prospects which the support of the cause of South America held out, ought to induce this country to depart from her neutrality. If the acts of George II. were simply to be repealed, there was no power in the law of this country by which an infraction of neutrality on the part of British subjects could be prevented. Was there, he would ask, any thing incompatible with the spirit of liberty in enabling a government to lay such a restraint on the action of its own subjects as might insure the observance of perfect neutrality towards two belligerents. If there was, how happened it that the honourable and learned gentleman approved so cordially of the proclamation of 1817? In that proclamation, which was the only public act of the British Government on the subject, a spirit of strict impartiality had been exhibited. Contemplating the character of that proclamation, what right had any man to infer that the feelings and opinions of Government had undergone a change on the subject?

The honourable and learned gentleman had cited many instances from history, in which the subjects of this country had been not only permitted, but encouraged by the Government to enter into the service of foreign states, and had sometimes even been thereby brought into the field to combat with each other. The fact was indisputable; but the honourable and learned gentleman was not to be told

that in respect to military service and enterprise a great change had taken place in the tone, and temper, and state of Europe since the times of Elizabeth and James I. In those times, there was a general thirst for military glory pervading all Europe. The profession of arms, instead of being a duty and task imposed upon the people, was a proud and honourable profession. Since those times a most material alteration had taken place; but it was not the policy of governments, but the temper of the people which had undergone the change. Formerly a spirit of adventurous enterprise was cherished and sanctioned, which would not now be deemed justifiable. The usages of modern Europe did not recognize such proceedings as those adverted to by the honourable and learned gentleman. It surely could not be forgotten that in 1794 this country complained of various breaches of neutrality (though much inferior in degree to those now under consideration), committed on the part of subjects of the United States of America. What was the conduct of that nation in consequence? Did it resent the complaint as an infringement of its independence? Did it refuse to take such steps as would insure the immediate observance of neutrality? Neither. In 1795, immediately after the application from the British Government, the legislature of the United States passed an act, prohibiting, under heavy penalties, the engagement of American citizens in the armies of any belligerent power. Was that the only instance of the kind? It was but last year that the United States passed an act, by which the act of 1795 was confirmed in every respect, again prohibiting the engagement of their citizens in the service of any foreign power; and pointing distinctly to the service of Spain, or the South American provinces. The honourable and learned gentleman, he was sure, was not one of those who would exclaim, "Aye, but America

had good reason for acting as she did, for she had the cession of Florida in view." What the motives of America were for that proceeding he could not say; he disbelieved in the existence of those which were imputed to her. But, without anticipating the decision of the House that evening, of this he was convinced, that if a similar cession were held out to this country as the price of the bill under consideration, the House would reject the bill with indignation, tainted as it would be by such an offer of advantage. What would be the result if the House refused to arm Government with the means of maintaining neutrality? Government would then possess no other power than that which they exerted two years ago, and exerted in vain. The House would do well to reflect seriously on this before they placed Government in so helpless a situation. Did the honourable and learned gentleman really think it would be a wholesome state of things that troops for foreign service should be parading about the streets of the metropolis, without any power on the part of Government to interfere to prevent it? At that very moment such was the case in some parts of the empire; and he had little doubt but that in a very short time the practice would be extended to London. If a foreigner should chance to come into any of our ports, and see all this mighty armament equipping for foreign service, he would naturally ask, "With what nation are you at war?" The answer would be, "with none." "For what purpose then," he would say, "are these troops levied, and by whom?" The reply of course must be, "They are not levied by Government, nor is it known for what service they are intended; but, be the service what it may, Government cannot interfere." Would not all that give such a foreigner a high idea of the excellence of the English Constitution? Would it not suggest to him that, for all the ordinary purposes of a state, there

was no Government in England? Did the honourable and learned gentleman not think that the allowing of armaments to be fitted out in this country against a foreign power, was a just cause of war? He knew well indeed that, from the exhaustion of Spain, we were perfectly secure from hostility in that quarter. That consideration, however, afforded a complete reply to the taunt that had been thrown out against Ministers, that they allowed themselves to be dictated to by Spain. But it was precisely because Spain was weak—because her resentment could be attended with no practical inconvenience—that they were desirous to discharge the duties of neutrality towards her the more scrupulously. The maxim of "do unto others as you would they should do unto you," was as applicable to politics as to morals. Did the honourable and learned gentleman recollect the celebrated Mémoire Justificatif which was understood to have been drawn up for the government of the day by Mr. Gibbon, previous to the war with France, during our contest with the American colonies? The language of that document was such, that if it were to appear for the first time at the present moment, it might be considered as the memorial of the Spanish Ambassador, addressed to the Government of this country. In that paper it was stated, that agents from our American colonies had endeavoured to penetrate into and settle in the different states in Europe, but that it was only in France they found an asylum, hopes, and assistance. That the French merchants furnished America, not only with useful and necessary merchandise, but even with saltpetre, gunpowder, ammunition, arms, and artillery; and loudly declared that they were assured not merely of impunity, but even of the protection and favour of the Ministers of the court of Versailles. "The marks of these facts, which could be considered only as manifest breaches of the faith of treaties,

multiplied continually, and the diligence of the King's Ambassador to communicate his complaints and proofs to the Court of Versailles, did not leave them the shameful and humiliating resource of appearing ignorant of what was carried on and daily repeated in the very heart of the country." If we wished to support the South Americans, because it might be profitable to do so, let us take the manly course adopted by France on the occasion to which he had just alluded; let us fairly come forward and favour the cause of the Spanish insurgents, and let us not think that, because we did not take that manly course, either Spain or any power on earth would believe that the operations now going on in this country were not connived at and encouraged by the Government. It was the doctrine laid down by the English Government itself that was now on its trial. This country was now called upon to say whether it would act on its own asserted principles. Those acts which the bill under the consideration of Parliament tended to repress, were acts which, in the document put forth by England forty years ago, were termed "a manifest breach of the law of nations." He would appeal to the House, whether, having at the period to which he alluded held this language to France with reference to her conduct towards America, we could now, without the grossest indecency, be guilty of such tergiversation as to say, that, although the French were then wrong, we were now right; and that because, forsooth, forty years had elapsed since our declaration, and because we now wished to take a contrary course, on the pretence of strong and ungovernable feeling? Was it possible that we could falsify our own doctrines in so barefaced a manner, and be guilty of such a dishonourable abandonment of principle on the ground of a supposed convenience? Could we with our eyes open suffer such a stain to be put on our national character as

thus to act in direct contradiction to our own recorded opinions? If the King of Spain—be he who or what he might—was in any one thing the faithful representative of universal Spain in Europe, it was evidently in the conduct which he observed towards the Spanish colonies. In South American politics, the people of Spain and Ferdinand were identified; and if that monarch should sign and confirm South American independence, he would inevitably lose the affection of his subjects, if he had as many virtues as the honourable and learned gentleman imputed to him crimes. He was not himself disposed—God forbid—to view without emotion the march of liberty throughout the globe, beating down oppression where it for centuries had reared its almost consecrated head; but whilst such were his feelings in a good and virtuous cause, he could not think of endangering our own invaluable advantages, by suffering an exhibition to take place, perhaps in the very metropolis, revolting to the decency of the nation; namely, the array and ostentatious parade in our streets of ignorant and undisciplined individuals, arming to serve against a foreign power. Did he ask Englishmen to assist in rivetting the fetters of South America? No. He only wished them to allow things to take their own course. It was impossible to suppose that affairs there could be restored to the state in which they were before the contest. That was morally impossible. The causes which were in operation must one day or other produce a result, the expression of which he should restrain himself from indulging in. He was, however, most anxious, that neither the House nor the nation should be deceived, either by the show of magnanimity that was displayed in taking up the cause, or by any unfounded notion of the advantage which this country might derive from espousing and forwarding the cause of the Independents. This country saved European Spain: the fact was indelibly re-

corded in the page of history; but did Spain believe or acknowledge it? England, by her exertions, might establish the liberties of South America; but would the Independents allow that she had done so? No; all the Brentford armies that could possibly be transported from hence to South America, would be considered but as flies on the wheel; and he would prophecy that those deluded men who flocked to that land of milk and honey, full of the idea of the glory they would achieve, and of the rich harvest they would reap, would soon find that all their mighty expectations were groundless, and would return as much disappointed as the statesman who, in former times, embarked from this country in quest of the El Dorado. By the constitution of the Independent states (if such they might be called) foreigners were declared to be incapable of holding any offices of honour or emolument in South America. That was the first offspring of the deliberations of a people asserting what were called liberal principles; and it might be taken as a fair sample of the pretensions they had to call on the people of other countries for countenance and aid in their career of liberality. The volumes of private correspondence from that country were open to all. Was there one, he would ask, of our countrymen there, possessing any talents, who had not become an object of jealousy and hatred, who had not been exposed to insulting treatment from his rivals, and who, if found refractory, had not been thrown into a dungeon? With a perfect knowledge of these dreadful and melancholy facts, was Government to stand idle, and see these gallant men, deserving a much better fate, hurrying away to experience nothing but hatred, punishment, and degradation? It was a most indispensable duty on the part of Government to apply to Parliament for the means of stopping the progress of the evil. A great trade was at present carrying on between

Jamaica and the adjoining continent. That trade would be placed in jeopardy by the force lately fitted out by Sir Gregor M'Gregor. He undoubtedly thought that ultimately there would be a great and gradually increasing commercial intercourse between this country and South America; but to furnish goods with the one hand, while holding the sword with the other, was likely to promote that trade as little as the happiness of the original natives had been improved by the offer of the bible in the one hand, and the sword in the other. He was not disposed to take advantage of the argument which might be founded on the character of the Insurgent states. Whether an acknowledged or an unacknowledged power, he would maintain towards South America the strictest good faith; he would cultivate her friendship by every fair and legitimate means; but not by recruiting her armies with our soldiers—not by committing a breach of faith towards old Spain. He was convinced that if Parliament now denied to the Executive Government the power of maintaining neutrality, instead of accelerating, they would retard the period of a stable and permanent connection between this country and South America. Ministers did not apply to Parliament for this aid until they had tried without effect all the means which were in their power; if they were not now vested with the requisite authority, if before next summer the country should exhibit the scandalous and disgraceful scene of lawless bands of armed men, raised for foreign service, parading through the streets, let not Ministers be blamed; for they had warned Parliament of the danger, and had called on them to prevent it. Ministers had done their duty in bringing forward the present measure to maintain the neutrality and honour of the country. If their conduct cast a blot on its character (which might easily be asserted, but which he trusted would be difficult of proof); if they

were detected in the abuse of the power entrusted to them by any act of partiality towards either side, it would be competent to Parliament to recal that power, and to confide it to others who might be considered capable of exercising it more conscientiously.

The House resolved itself into a Committee, and the several clauses of the bill were agreed to.

ON THE PRINCE REGENT'S SPEECH.

ADJOURNED DEBATE.

NOVEMBER 24th, 1819.

Address at the Opening of the Session, Nov. 1819.

"THAT an humble Address be presented to his Royal Highness the Prince Regent, to return the thanks of this House to His Royal Highness for his most gracious speech from the Throne.

"To express to His Royal Highness the great concern with which we receive the intimation of the continuance of His Majesty's lamented indisposition.

"To assure His Royal Highness that we learn with the deepest regret that the seditious practices so long prevalent in some of the manufacturing districts of the country, have been continued with increased activity since we were last assembled in Parliament; that they have led to proceedings incompatible with the peaceful habits of the industrious classes of the community; and that a spirit is now

fully manifested utterly hostile to the Constitution of this kingdom, and aiming not only at the change of those political institutions which have hitherto constituted the pride and security of this country, but at the subversion of the rights of property, and of all order in society.

"To return our thanks to His Royal Highness for his gracious intention to lay before Parliament the necessary information on this subject; and to assure His Royal Highness, that we shall not fail to apply our immediate and most anxious attention to the consideration of such measures as may be found requisite for the counteraction and suppression of a system, which, if not effectually checked, must bring confusion and ruin on the nation.

"To thank His Royal Highness for having directed the Estimates for the ensuing year to be laid before us.

"To assure His Royal Highness, that while we regret the necessity of providing for the protection of the lives and property of His Majesty's loyal subjects by any addition to our military force, we shall be happy to find that the arrangements for this purpose have been made in the manner likely to be least burthensome to the country."

Mr. Canning† began by saying, that, unusual as was the course which had been pursued the preceding night, in

† I am not able to state positively whether this speech—eloquently illustrative of the state of the country at this period—was revised by Mr. Canning; it certainly bears all the marks of having undergone his correction—except that, if corrected by him, contrary to his general and approved practice, it was permitted to stand, as it is now published, in the third person. He was perfectly sensible of the advantage of having his speeches reported in the first person, which, in his opinion, brought the speaker, as it were, directly and personally before the reader, and imparted a pleasing zest to the perusal of his sentiments.—Editor.

consenting to the adjournment of a debate on the Address, he could not help congratulating the House on that deviation from the ordinary rules of its proceedings; for, the technical parliamentary difficulty being once gotten over, he felt it to be of the utmost importance that the vote to which they were to come on this occasion, should not have been adopted without the fullest and most patient discussion. They had now before them all the different classes of opinion which prevailed in the House, with respect to the Address and the Amendment; and with respect to the general state of the country—a state which, to most persons, appeared alarming, and to all perplexing and difficult. Those gentlemen who held cheap the perils described in the Address, would act manfully if they either voted against it, or proposed an Amendment expressive of their opinion; but he could not comprehend the reasoning or the policy of those who were prepared to vote for the Address, and yet to tack to it such an Amendment as that now proposed.

He would ask of those, who were for mixing together sentiments so incongruous—whether the first necessity of the time were not to put down the revolutionary spirit which had spread throughout the country? If that were admitted, he would ask next, whether the decision of the House upon this night would not go forth with tenfold authority, if unaccompanied by the mitigating appendage proposed by the Right Honourable Gentleman?* Would not the original Address, if voted unanimously, without qualification or addition, carry to the minds of those whose designs it pledged the House to crush, more complete conviction of the serious determination of the House to effect that purpose, than if reinforced by all the denunciations conveyed in the first part of the Amendment, to be afterwards weakened by the vague and unsatisfactory expres-

* Mr. Tierney.

sions with which the Amendment concluded? It was true, that in the first part of the Amendment, the turbulent and disaffected were rebuked in phrases of even more asperity perhaps than any contained in the original Address; but, in the concluding part, a certain sympathy was expressed, if not with the projects which the disaffected had in view, at least with the principles on which those projects were professed to be framed. Now, refinements were not readily understood by the multitude. Many of the disaffected, or of the misled, might conceive, however erroneously, that persons who could in any degree approve or countenance their principles, would be ready, if not to lend their assistance towards the accomplishment of their objects, at least to see the accomplishment of them without regret. They might construe any expression, however guarded, of a common feeling, into encouragement, if not into co-operation; especially when they compared what was passing in that House with what had recently taken place elsewhere. For was it not a fact that the *Radicals*, (as he was obliged to call them, though he hoped by some laborious periphrasis to avoid the term in future), could boast of having been associated in a public meeting with the first names in the land? that the possessors of those names, blessed with wealth, distinguished by title, elevated by honours, the boast of the country, the ornament of mankind--had stood side by side with them on the same stage, trembling for a hearing, and only obtaining that grace by their intercession? Did not the Radical Reformers recollect all this? and did they not recollect further, that these mighty aristocrats, in entering upon a discussion in which two distinct topics were involved, on one of which they agreed with the Radical Reformers, while they widely differed from them on the other, had consented, (oh! shame to rank, property, and aristocracy!) for the sake of a little paltry triumph over

their political adversaries, to keep out of sight the topic on which they differed from their new allies, and to put forward exclusively that on which they agreed? They agreed that there ought to be an inquiry into the proceedings at Manchester—a subject unquestionably of great importance, (and regarding which it would be seen, in what he should say presently, that he (Mr. C.) felt as deeply and acutely as any man)—but still a question of insulated importance, of comparatively narrow range and limited consequences: they disagreed upon the wide subject of Parliamentary Reform.

As to the importance of this last subject of difference, what was the sense of those who had moved the proposed amendment? What were the words of the amendment, regarding the schemes of the Radical Reformers? "That the House express their reprobation of the attempts which have been made to persuade the suffering classes of the people to seek relief from their distress in schemes injurious to themselves, dangerous to the public quiet, and inconsistent with the security of the Constitution." Thus, then, it appeared that those exalted individuals shared the honours of the hustings with men, whom they considered as entertaining projects "dangerous to the public quiet, and inconsistent with the security of the Constitution;" and that with such men they combined their votes on another question, throwing entirely out of their view that by which the public quiet and the Constitution were, in their opinion, endangered. This conduct was the more extraordinary if compared with the doctrines which had been preached in this debate, regarding the duties of the great towards the lower orders of the people. "Deal kindly and openly with them (it had been said); endeavour to convince them of their mistakes; argue with them calmly and temperately; and they will, no doubt, listen with patience, and acknowledge and retract their errors." How had these doctrines been

reduced to practice? When was there a more golden, a more glorious, opportunity for acting upon them than that afforded by the Yorkshire Meeting? and how had it been employed? Had any attempt been made at that meeting to argue with the Radical Reformers, and to convert them from their heretical tenets? If due advantage had been taken of that happy moment, what a signal service would the Aristocracy of the York Meeting have rendered to their contemporaries and to posterity! If they had sacrificed much in feeling, much in dignity, by the mortifying condition in which they had placed themselves; all these sacrifices, and more, if more could be, would have been wisely made and well recompensed, had they seized the opportunity of rendering new laws unnecessary, by the all-powerful effect of reason and eloquence in converting or putting down the misleaders of the people. But they did no such thing. *They* rebuke, indeed, and lecture the Radical Reformers! No, no. They knew better than to risk such a liberty. They met under a contract (whether written or tacit he would not affirm), that the great question on which they fundamentally differed from the Radical Reformers should not be brought into discussion; and there being but two questions for deliberation,—the one, Parliamentary Reform, and the other, the calling of Parliament together for the purpose of inquiring into the proceedings at Manchester,—the first they consented entirely to slur over; and with a most whimsical waste of time, proceeded to debate the second, although the newspapers of the day must have apprized them that Parliament was already called. Surely many of those who supported the resolutions at York, must now in their consciences believe that the effect of that meeting had been to give encouragement to those very schemes which the amendment under consideration now rebuked with so wholesome a severity.

Mr. Lyttleton rose to order, and said "That the imputation of a motive, such as that stated by the right honourable gentleman, was disorderly."

The Speaker observed, "That to impute a motive was certainly disorderly; but, in his apprehension, the right honourable gentleman did not put his argument with that intention."

Mr. Canning resumed. "Most certainly, Sir, you have taken the just view of the purport of my observation. I said distinctly, the *effect* of the York Meeting, not the intention. I say further, or rather I repeat, that I equally believe, that the *effect*, not the intention, of qualifying the Address to the Throne with the proposed Amendment, would be to encourage the hopes of the Radical Reformers, not to damp them; notwithstanding the wholesome rebuke which I have admitted one passage of the amendment to convey."

The great point of difference, between the Address and the Amendment, was, the notice bestowed by the Amendment upon the late transactions at Manchester. Mr. Canning entreated the House, before they suffered themselves to be led away by all the declamation upon this question, to review the course which it had taken before it was brought under the consideration of Parliament. Let every honourable member reflect on his own previous feelings on that question, even up to yesterday; and ask himself whether the *legality* of the meeting of the 16th of August were not the point on which he expected the discussion to turn; and by the decision of which was to be determined—whether or no there were any grounds, either for a parliamentary inquiry, or for any, and what, further proceedings on the subject?

And what was now the state of that question of *legality*? Was it not settled in the mind of every impartial man, in

the way directly contrary to that which, before the meeting of Parliament, had been so confidently presumed? As his honourable and learned friend (Mr. Scarlett) had this night qualified the opinion which he, (Mr. C.) in common with, he believed, a great majority of the House, understood him to declare in the preceding night's debate, he would not be so discourteous as to dwell on the impression which the first statement of that opinion had produced upon his mind. Undoubtedly, he (Mr. C.) had understood his honourable and learned friend to subscribe to the opinion that the meeting of the 16th of August was *illegal*; and he had congratulated himself on the accession of an authority which, if second, was only second, to that of the right honourable and learned gentleman over the way (Mr. Plunkett), who had with such clearness and force argued and established that opinion. But if his honourable and learned friend had not thought fit to give a positive opinion that the meeting was *illegal*, at least, he had not ventured to state an opinion to the contrary. His honourable and learned friend desired to withhold the expression of any opinion at all; and he (Mr. C.) had no right to disturb the tranquil state of neutrality in which his honourable and learned friend had placed himself. But what was to be thought of that neutrality—what inference but one could be drawn from it—when, after such an argument as that of the right honourable and learned gentleman (Mr. Plunkett), corroborated by the opinions of his (Mr. C.'s) honourable and learned friends (the Attorney and Solicitor General) who sat near him, and not yet denied by any lawyer who had spoken, his honourable and learned friend was satisfied to be silent, and to leave the question without the benefit of his authority either way? The right honourable and learned gentleman (Mr. Plunkett) himself a host, had pledged his authority and his reputation as a lawyer,

(pledges of which the House and the United Kingdom know, and posterity will acknowledge the value,) that the meeting of the 16th of August was an *illegal* meeting. The honourable and learned gentlemen (the Attorney and Solicitor General) who sat near him (of whose talents he (Mr. C.) would not speak in the language which they deserved, only because sitting where they did, it might be considered as the language of partiality,) they too had pledged their reputation as lawyers to the same opinion. On the opposite side, not one learned gentleman had staked his reputation on the opinion that the meeting was *legal;* not one learned gentleman had hinted that he held such an opinion; no not one. If then there were value in authorities, that value, whether taken by weight, or by tale, was on the side of the *illegality* of the meeting; while in the opposite scale would be found only a negative quantity, the unexplained hesitation of his honourable and learned friend (Mr. Scarlett). If there were any lawyer in the House who yet lingered, and would not, with the frankness of his learned friends, stake his reputation on his opinion, Mr. C. could only say that such learned gentleman (whoever he might be) took as little advantage of the opportunity afforded by the Meeting of Parliament, for correcting erroneous doctrines, as the whigs had taken of the Meeting at York.

Such then was the state of the Manchester question, as it stood now, after two evenings' discussion, compared with that in which it stood ten, nay, two days ago.

But the necessity of a Parliamentary Inquiry into that matter had been rested on two grounds; first, on the violation of the Constitution, by an illegal dispersion of a legal meeting; and secondly, on the demands of the country. The first ground the House would, perhaps, think pretty well disposed of; at least until some sage of

the law should gather courage to dispute the doctrine, yet unquestioned in this debate, that the meeting was not a legal but an illegal meeting. And what if it should turn out upon examination, that the second ground was in fact identical with the first? Let the House take a view of the Resolutions of some of the principal meetings which had been holden in different parts of the country; and let it be seen on what grounds they had rested this call for Parliamentary Inquiry. He would, with permission, mention a few of them briefly to the House.

First came the Westminster Meeting, resolving, that "the late meeting at Manchester was a *legal* meeting," that "the people were *lawfully* assembled;" next, the Common Council of London—"a meeting *legally* assembled;" Halifax, "*illegal* dispersion of a meeting convened *according to law*;" Lewes, "the meeting at Manchester, on the 16th of August, was *strictly legal and constitutional*;"—Southwark, St. John's Parish,—"*perfectly legal and constitutional*;" Richmond, "*legal*."—Carlisle; "our countrymen *legally* assembled at Manchester."—Cumberland; the right of assembling "in a *legal* manner" appears to have been violated.—York, county, "a meeting *legally* assembled."—Reading; "a perfectly *legal* and constitutional meeting." London, St. Leonard's Parish; "*legally* assembled."—London, St. Clement's Parish; "peaceably assembled for a *legal* and constitutional purpose."—Durham, county; "*legally* assembled."—Durham, city; (more cautiously) "a meeting *legally, as it seems*, assembled."—Devon County Club; (more cautiously still) "we have not yet learnt by what act the people assembled at Manchester had placed themselves *out of the pale of the law*." Sheffield; (in the like strain) "*as far as appears to us*, conducted *legally*." Norfolk; (with similar reserve) "a meeting *not proved to be illegal*." There were abundance of other Resolutions

affirming the same opinion with more or less of confidence; but he had troubled the House with instances enough, to show the general prevalence of the notion, that the meeting at Manchester was a *legal* meeting.

Now allowing all due weight to the authority of those Resolutions, yet, as they turned out to have been founded in mistake, was it not to be fairly presumed that the meetings which passed them had been taken by surprise; and had, under an entire misconception, come to decisions which they themselves would now admit to be no longer maintainable?

But it was not in matters of law only, that the meetings in the country appeared to have been misled. It was impossible to overlook those flagrant misrepresentations of fact, by which the public mind had been worked up to a fearful state of irritation. It had happened to him (Mr. C.) to take the reports of a part of the daily press on these transactions in the gross; a course of reading which brought exaggerations and contradictions into view, much more clearly than a perusal from day to day. The first thing that had convinced him of the extreme caution with which the testimony of these records was to be received, was an allegation, that the magistrates of Manchester were necessarily actuated by hostile feelings towards the people, from the circumstance of their being generally "master-manufacturers." His connection with Liverpool had given him acquaintance enough with the general state of things in Lancashire, to make him quite sure that, however true such a circumstance might have been in any other county, it could not be so in the county of Lancaster; it being (as he had often heard, and had had some opportunities of knowing) an invariable rule in that county, not to put into the commission of the peace persons connected with the manufacturing establishments. No person, who had ever

conversed with a Lancashire man, but might have informed himself of this rule; and surely no honest man would have hazarded such an allegation without inquiry. That care, at least, every man was bound to take, before he asserted a fact to the injury of his neighbour; especially when the prejudice excited by the statement was to extend to the remotest verge of the kingdom, and to hold up those who were the objects of it to abhorrence and detestation. The allegation, however, passed current for some days; then, indeed, came an acknowledgment that it was incorrect; accompanied, however, with the observation, that though the master manufacturers were not in the commission of the peace, the argument built on that assumption was not the less true. How many persons must have read that assertion, who, perhaps, to that hour, were not aware of its untruth! How many persons in the country, remained even up to the meeting of Parliament, under the influence of that alarming but delusive impression! Was it not obvious that such an impression must materially have influenced the Resolutions of any meeting where it was received as true? In that proportion, therefore, was a deduction to be made from the authority of all such Resolutions.

But was this the only misrepresentation? By no means. At the meeting of the city of York came forward an honourable gentleman (the member for that city), for whose general character and conduct he (Mr. C.) entertained the highest respect, and stated, that the sabres of the cavalry were sharpened with a view to the conflict of the 16th of August. It was unnecessary to say that this information from such a man came with a weight absolutely overwhelming. Afterwards, the honourable gentleman was convinced that he had been led to assert what was not founded on fact; and, like an honourable and upright man

as he was, he publicly retracted it. He could do no more. But, in the mean time, the Resolutions at York had passed; and who could estimate the share which such an assertion, made when it was made, must have had in producing that temper in the meeting which sanctioned those Resolutions? Persons who had read the statement might be subsequently disabused by the correction; and, so far as they were concerned, the mischief might therefore be cured: but could any man calculate the extent to which such a statement, while it remained uncontradicted, must have acted on the public feeling at many other meetings than that at which it was first promulgated? Another honourable gentleman, the member for Norfolk, had been led into a like error, purely unintentional, no doubt, but calculated like the former to do extensive mischief, respecting a woman said to have been saved by an officer of dragoons from the barbarous rage of the yeomanry cavalry. The honourable gentleman had taken an opportunity, in this debate, to disavow the authority on which he told this story. He had done rightly. But what might not have been the effect and operation of the story in the mean time?

Deduct, therefore, the amount of the impression made by these, and abundance of other similar fables; deduct the effect of the persuasion (the assumed, uncontroverted, and unquestioned persuasion) that the Manchester meeting was a legal meeting; and then judge, whether public meetings, proceeding to discussion under such influences, could have decided with equity and temper; whether we should not do those meetings the greatest possible injustice if we were to imagine that they would, under better information, persevere in decisions so unfairly and surreptitiously obtained? "No, Sir, it is not till all the meetings which assembled during the prevalence of these mistakes and delusions,

shall have re-resolved all their resolutions, with the full knowledge that the Manchester meeting was *illegal*—that the magistrates were *not* "master manufacturers"—that the swords of the yeomanry were *not* sharpened with a view to the 16th of August, and that the horrible stories, of which that related by the member for Norfolk is a specimen, were *not* true, that we can have a pretence for granting a Parliamentary inquiry, on the ground that the country demands it.

Undoubtedly, Sir, the meeting at Manchester was attended with great and grievous calamities. Much suffering was occasioned by it to all classes of the inhabitants of that place; and the loss of lives which occurred in the dispersion of the assembly must be deplored by every mind that has the smallest tincture of humanity. In deploring those occurrences, I yield to no man living. But I know how cautiously I must deal with matters of this kind. I know well the nature of the artifices too successfully practised by those who endeavour to pervert the public judgment by the slander of individual character. *Experto credite.* The process is of this kind:—An incendiary narrator of what passed at Manchester, affirms, perhaps, that 'one hundred persons were slain.' Suppose, indignant at this extravagant falsehood, I answer, 'No, no, not a hundred; the number of sufferers was six only.' 'Six *only!*' is then the exclamation, 'O barbarian! it is thus that you trifle with the sacrifice of human life!' This, Sir, is the common trick. It consists in first putting forth a monstrous exaggeration of calamity, for the express purpose of inviting contradiction; and then holding up to public indignation the man who reduces the exaggeration to the reality, as if he were the unfeeling defender and approver of whatever part of the calamity he does not deny. The trick is at last found out; but it has unhappily too often done its work for the day,

before detection. The agents who employ it know their lesson well. The school in which they learned it is that of the French Revolution. It is the old trick of 1794 and 1795; the too-successful expedient of Marat and Robespierre. But, deplorable and extensive as the calamities of the 16th of August were, to whom are they to be attributed? Is it not to those, who, actuated by selfish motives of ambition—(no, I will not say ambition; I will not squander a word often applied to nobler aspirations on such base designs)—is it not to those who seek mischief for mischief's sake—who would let loose the whirlwind, though with the conscious incapacity to direct it—who would lay the fabric of social order in ruin, not so much in the hope of rising upon that ruin, as for the satisfaction of contemplating the havoc and desolation which they had made—who, outcasts of society, would revenge themselves upon society by scattering and dissolving the very elements of which it is composed? Is it not to such persons—to the assemblers of those alarming multitudes, under the preposterous pretence of petition or deliberation, but in fact for the purposes of intimidation and disorder—that are to be justly attributed all the consequences which follow upon assemblages so wantonly congregated, and upon passions so wickedly inflamed? To *them* the widowed mother and orphan child must trace their miseries! On *their* heads be for ever fixed the responsibility of all the blood that has been shed!"

He came now to the speech of his Honourable and Learned Friend.* His Honourable and Learned Friend was far too wise and too wary to pledge himself to an opinion in favour of the *legality* of the meeting of the 16th of August: he knew well, moreover, that if any excess

* Sir J. Mackintosh.

had been committed in the dispersion of even an illegal meeting, the tribunals of the law were open for redress; but being desirous, at the same time, of making out a case to show that the proceedings at Manchester ought to be made the subject of Parliamentary inquiry, he had been driven to the most whimsical refinements in support of this proposition. Others had stated the magnitude of the question, as a cogent reason for the intervention of Parliament; but his learned friend contended, on the contrary, that the subject was of so subtle a nature, that the searching minuteness of Parliamentary investigation could alone bear upon it with effect. The powers of the House, like the proboscis of an elephant, were now to be expanded, to embrace the largest objects; and again to be contracted, that they might lay hold of the smallest—they were to tear up an oak, or to pick up a pin. Others had charged upon the magistrates the most atrocious wickedness—falsehood, treachery, wilful breach of law, and deliberate murder—and had contended, that the bar of the House of Commons was the only tribunal whose jurisdiction was sufficiently grand and awful to comprehend the enormity of such crimes. His Honourable and Learned Friend, on the contrary, suggested that the guilt of the magistrates might possibly be no more than a small error in discretion; and it was, therefore, that he thought the bar of the House of Commons the fit tribunal, as being the only one whose touch was fine enough to handle an offence so delicate and evanescent.

Others had contended that the courts of law were incompetent to try the Magistrates, because—he knew not exactly why—the reason had never been very distinctly explained: but whatever it might be, the force of it had been within these few days considerably abated by some blundering fellow, who, not being let into the secret—not being apprized how great an object it was to keep such matters exclusively for

the cognizance of the House of Commons,—had actually moved for an information against the Coventry Magistrates, for the dispersion of the meeting at Coventry; which motion the Court of King's Bench had entertained. Now, it was quite obvious, that what could be done in the case of Coventry, might be equally done in the case of Manchester; so of that argument—the incompetency of the Courts of Justice—there was happily an end. His honourable and learned friend, however, did not deny the competency of the Court of King's Bench; but he doubted whether that Court would condemn for any thing but misconduct; and he wanted a trial, where error in discretion (if it could be substantiated) might assume the colour, and be visited with the penalties, of guilt; and therefore was he for a trial in the House of Commons. Nay, his honourable and learned friend, and others who had followed him, went further. They thought that even if there were no guilt at all, real or imaginary, substantial or constructive, still a trial in the House of Commons could do the Magistrates no harm. Why should an innocent man fear a trial? What more delightful, what more enviable, than the sensations of virtue under unmerited persecution? His honourable and learned friend had singular notions of happiness. A wise ancient had said—

——————— "Dici beatus,
"Ante obitum nemo supremaque funera debet."

But his honourable and learned friend had found out, that even in this life a man may be blessed beyond the ordinary lot of humanity. This excess of sublunary enjoyment was to be found (it seemed) in a public trial, with a consciousness of innocence. Happy, happy Mr. Hastings! who, for seven long years, continued in uninterrupted fruition of that which is now discovered to be the consum-

mation of human felicity! "These, Sir, are refinements which I confess I do not comprehend. If the magistrates have sinned against the law, the courts of law are open to try them. If they are innocent, I, for my part, will never consent that an innocent man shall be dragged daily before our bar, amidst the taunts of enemies, and under the misconstruction of the public, with the consciousness of his innocence alone to support him."

It appeared to him (Mr. Canning) that even justice ought to be dealt between man and man. In former times, and in other countries, (certainly never in this happy land,) favour and affection had been shown to the higher, in preference to the lower, classes of society. At present, in consequence perhaps of one of those oscillations in the human mind which succeed each other with reference to every subject of human interest, there appeared to be a prevalent disposition to presume in favour of the lower, against the higher, classes. He by no means blamed this disposition. If any inequality were allowed to exist, the preponderance ought certainly to be on the side of the weak and unprotected. But equal justice was after all the wisest and honestest course. Now, what kind of equality would be administered between those who assembled the illegal meeting of the 16th of August, and those who dispersed it, if the amendment proposed by the right honourable gentleman were acceded to by the House? Those who had endeavoured to set the country in a flame, would be allowed to traverse their indictments, and to go to their trial at the period which might best please them;—the magistrates, who had exerted themselves to defeat these machinations, would be allowed no choice, no challenge, but would be put on their trial without delay. The former, besides being permitted to go to trial when they liked, would have the further advantage, that the witnesses

against them would be examined upon oath; while the latter, when brought at a moment's warning to the bar of the House of Commons, would be arraigned on evidence not given under that solemn sanction. And this was what his honourable and learned friend opposite, with the bandage over his eyes, and the balance in his hand, was prepared to mete out as the award of impartial justice!

That the House were fully aware of the difference between evidence on oath, and that taken without such sanction, was manifest from the fact, that, in all cases in which the immediate right of their own members to their seats in that House was involved, the matter was referred to the consideration of a committee, before whom evidence was given on oath, under all the penalties for false-swearing.

But, to put the injustice of the proceeding recommended to them in a still stronger point of view, let the House contemplate the result of a trial of the magistrates in the House of Commons, under the alternative either of condemnation or acquittal. Suppose the House, by a vote of the majority, to find that no blame was imputable to the magistrates of Manchester; would that vote save them from a prosecution in a court of justice? No. The inquiry would merely furnish evidence against them, disclose their case, and send them pre-judged to the legal tribunal. If, on the contrary, a majority of the House should find the magistrates guilty of the offence with which they were charged, and address the Throne to remove them from the commission; would that save them from a prosecution in a court of justice? No. The decision of the House, upon unsworn testimony, having inflicted a disgrace worse than the severest legal punishment, they would then be called to trial again in another court, where the previous decision could not but operate to their prejudice, and where even acquittal could not restore their station or

their fame. And this was equal justice! Surely, it was impossible for any man, who duly considered the subject, and who wished to follow the great rule of dealing by others as he would wish others to deal by him, to agree to such an amendment.

There was still another view, however, of the proposed investigation—its effect on the character of the House of Commons. He did not attribute to the right honourable gentleman who moved the amendment, the design of bringing the House into disgrace: but he must say that, if the amendment had been proposed by any of the—he was at a loss how to denominate them—the white-hatted gentry, he should suspect that they had a double game in view. For if, by such evidence as had been described, the House should be surprised into a decision against the magistrates, then the vengeance of the radical reformers would be fully gratified. If, on the contrary, the magistrates should be discharged of all blame by a vote of the House, there would then be afforded a new ground of clamour against the House of Commons. Either result would be delicious to those gentlemen. In the one event, they would crush the men whose firmness had defeated their machinations—in the other, they would gain a new power for undermining the Constitution. But, as the House itself could not possibly have either of those objects in view, he trusted, that they would not hesitate to put an end to the alternative by rejecting the amendment.

So great was the inconvenience of involving that House unnecessarily in judicial investigation, that he confessed he could conceive few cases, except those which required the exercise of the power of impeachment, in which the interposition of the House of Commons was not attended with a risk of interrupting the course of justice, and of throwing discredit on the ordinary administration of the laws. What

could be a stronger proof of this tendency, than the sort of use which an honourable gentleman had thought himself warranted to make, in the debate of that day, of the short-hand report of an unfinished law proceeding—the coroner's inquest at Oldham? What business had the House of Commons with that proceeding—which was now under revisal by the proper authority, the Court of King's Bench?—or what advantage could be derived to the cause of law or liberty by the attempt to cast odium on judicial proceedings? The ill example that was sometimes set in that House, was followed but too closely elsewhere. The coroner's inquest was, to be sure, a tribunal of secondary dignity: but when, before, was any magistrate, however inferior in dignity, braved and brow-beaten, day after day, upon the bench? When before was the majesty of Justice insulted in her own temple, as had been lately practised in courts of still higher—of the highest—authority? He trusted that there was not in that House, or in the country, a warmer friend of rational liberty than himself; but amongst the first elements of liberty he had always understood to be the separation of administrative and judicial functions; and every attempt to unite them in the same hands, must, in his opinion, be attended with danger to the Constitution.

"But it is not only the courts of law, (which may, perhaps, heretofore, have been reviled by those on whom it was their duty to inflict the penalties of justice—though never before so openly and grossly insulted)—it is not the courts of law only that in these days are held up to suspicion and hatred; but other, the most favourite institutions of British judicial administration—institutions which are peculiar to England, and which excite, beyond all others, the admiration and envy of foreign nations. Even the sacred name of juries has been tainted with insinuation; and

the unpaid magistracy of the country are attempted to be degraded in the public esteem. As if renouncing the high station which we maintain in Europe, as if anxious to deter those nations which have followed our steps in victory from imitating (as they are eagerly bent on doing) our example in civil life, we have persons among us who are busily employed in defaming those invaluable institutions which are at once the pride and the safeguard of our civil polity. Depend upon it, Sir, if these attempts should be successful, the evil which they entail will be altogether irreparable. One of the most beautiful of our moral poets has said, of the lower classes of the agricultural part of the community—that,

> " 'Princes and lords may flourish, or may fade;
> A breath can make them as a breath has made:
> But a bold peasantry, their country's pride,
> When once destroy'd, can never be supplied.'

" So say I of the higher ranks of that same portion of the community--the unpaid magistracy of the country. I do not dread the inroads attempted to be made on the constitution of Parliament, with half the horror that I do the efforts to disparage the character of that magistracy. A new House of Commons might be elected. The monarch might create new peers. New statesmen would be found to conduct the affairs of Government, if the present race of public men were swept from the earth. But once 'destroy' that which 'can never be supplied,' the voluntary and gratuitous dispensation of justice; once sour the public against that, perhaps the sole remnant of natural authority; once thoroughly disgust and dishearten that thankless self-devotion, that unbought sacrifice of time and trouble, that benevolent homage of power and wealth to the interests of the

humble and the poor, which characterize the country magistracy; let that connecting link between the higher and lower orders of society be once broken, and by that single blow more will be done to disjoint the state than could be accomplished by the radical reformers, with all their outrageous declarations, and with all their pikes—when they shall use them."

He would now, with the permission of the House, turn to the main subject, of which the House appeared to have almost lost sight—the speech from the Throne. In that speech, the state of the country was painted in colours such as those who advised the Crown had seldom before been under the sad necessity of employing. That the picture was not overcharged, however, he had a right to presume, as no imputation of that nature had been uttered from any quarter. With the exception of the honourable baronet (Sir Francis Burdett) opposite, no one who had touched on the meeting at Manchester had spoken of the designs of the movers of that meeting, manifested not only by their own declarations, but by all their preparations, their emblems and their array, as other than most wicked and indefensible. The honourable baronet indeed had talked of the flags unfurled on that occasion, as mere matters of parade. But who did not know that banners, ribbons, and other such devices, might be as clear indications of purpose as words? When, some years ago, an orange cockade was worn on particular days in Ireland, (much more generally than he believed and hoped it was at present), would it have been an answer to the complaints against such a practice to say, "What signifies a yellow ribbon?" Such things had great signification. Who but the honourable baronet could doubt, that the flags of the meeting at Manchester meant defiance? What could the inscription "Equal Representation or Death" intend, but

that those displaying it were solicitous for that which was incompatible with the Constitution, and that they were ready to purchase it with their blood? Could such a meeting be legal? Was it possible that any one of the contrivers or abettors of it could seriously imagine it to be so? Could it be deemed so in common sense? The common law (as had been truly said by the right honourable and learned gentleman, Mr. Plunkett) was the perfection of common-sense. But what law or what sense could consider as peaceable and legal, meetings of forty or fifty thousand persons, convened by no known authority, and marching together in military array, at which doctrines subversive of the Constitution were promulgated without disguise, and the determination to carry those doctrines into effect by physical force was audaciously avowed?

He would borrow, on this point, an illustration with which the speech of his honourable and learned friend (Sir J. Mackintosh) had furnished him. His honourable and learned friend had told them, that Lancashire had at different periods been the seat of different kinds of disaffection; of Jacobinism in the last century, as of Jacobinism at present. Now, he would ask his honourable and learned friend, nay, he would appeal to any one of the honourable gentlemen opposite, to any Whig amongst them, for an answer to this question. If, in the year 1715, or in the year 1745, or in any year between those two periods, fifty, or twenty, or ten thousand Lancashire Jacobites had assembled by beat of drum, on the 10th of June, with white roses in their hats, and with the motto, "Legitimate Monarchy" embroidered on their standards, would that have been a legal assembly? If any unfortunate Tory had, after such an occurrence, stood up in Parliament and protested that those symbols were perfectly innocent of any improper meaning; that white was no colour, and that the

words "Legitimate Monarchy" referred, beyond all question, to the Royal Family just established by law, would he have been listened to with credulity and complacency by the Whig powers of that day? Would he not rather have been reviled as a driveller or traitor; and a new Whig law have been passed for the suppression of such innocent assemblages, at least as strong as the Riot Act itself? And pray, what was the difference between the two proceedings, that of Manchester in August, 1819, and that which he had imagined as taking place in the same county in 1715 or 1745? Why, that the one would have indicated a design of changing the reigning dynasty, while the other was manifestly directed against the whole frame of the Constitution. Any attempt to bring the multitude, and the menaces, and the symbols, and the array of the Manchester meeting within the pale of law, was as fond and as futile as would have been the attempt of a Tory opposition to assign to the Jacobite mob the character of loyalty to the Hanover succession.

"The honourable baronet has adjured the House to consider the necessity of conciliation. If by conciliation he meant the expression of sympathy in the distresses of the people, I do most sincerely declare that that sympathy cannot be more deeply felt by any man or set of men in the House or in the country, than by my colleagues and myself. Indeed can such a declaration be necessary? Even if we had not, like other men, the feelings of human kindness, is it possible that we should be so blind to our own interests, as well as insensible to our duties, as not to feel that the credit as well as the permanency of our Administration depends upon the peace and tranquillity of the kingdom, and therewith on the prosperity and comfort of the labouring classes of the community? But I apprehend that what the honourable baronet means by conciliation

is concession, and concession in the shape of a parliamentary reform. And this, Sir, brings me to the topic which was introduced into this debate by the right honourable gentleman who moved the amendment, and to which he did me the honour to challenge my particular attention. That challenge had been repeated by the honourable baronet. The House will, therefore, see that it is not in my option to decline adverting to this topic, although I could have been well contented to defer it to a more suitable opportunity.

"The honourable baronet warns me to re-consider my opinions on the subject of parliamentary reform. The right honourable gentleman has been pleased to compliment me as the most strenuous opposer of a reform in Parliament, and as one main obstacle to the success of that project. He tells me that I am as radical at one end of the question, as those who are termed 'Radicals,' are at the other. The right honourable gentleman will pardon me for observing, as I pass, that his metaphor is none of the correctest. I never heard of any plant with a root at both its ends. The root usually tends downwards—*radice in Tartara;* and I will not dispute that tendency with those who have pre-occupied the title.

"But I have no reserve on the subject of parliamentary reform; and, called upon as I have been, I will without the smallest hesitation state my opinions now; declining, however, to argue them, till the period of more particular discussion shall arrive. I am no bigotted supporter of the present order of things, as faultless and perfect, or even as necessarily the best that it may be possible for human wisdom to devise: but what I have always maintained is, that the House of Commons, with all its imperfections on its head, discharges well the functions assigned to it by the Constitution, and is, to all practical purposes, identified with

the people whom it represents. I have always contended, therefore, that any sweeping change—any change not very limited and very well considered—must be attended with great hazard. To say that some heaven-born radical reformer might not by possibility imagine a scheme of a House of Commons, infinitely more beautiful in theory, is a presumption of which I am not guilty. But until I see such a scheme before me in all its scope and in all its detail, I shall feel it my duty to resist any unexplained approaches to reform; because such approaches tend to weaken what exists, without substituting any thing better, or affording any pledge that a preferable substitute can be found.

"The course of reasoning which I think myself entitled—which I think it must be allowed to be most expedient—to pursue on this subject is as follows:

"I claim no other privilege for the existing state of Parliament, than that which is allowed to all existing institutions—that the burthen of proof that a change in them is necessary, shall rest with those who propose the change.

"Reformation (I speak not here of partial remedies applied—as this House is in the habit of applying them from time to time—to particular instances of detected corruption, but of a general systematic reformation) must be of one of two sorts. It may be a restoration, upon the original principles of the institution to be reformed, to the state in which it stood at some former time, and from which it is alleged to have degenerated; or, it may be a re-construction of the institution, on principles altogether new.

"My first question to the proposer of such general reformation therefore is, 'Which of these two modes have you in view?' If the answer be, 'Restoration to what the House of Commons was in former times,' I then

request that the period may be specified at which the House of Commons was, according to the reformer, in the perfection to which he wishes to restore it. If, on the other hand, the answer be that it is intended to re-construct the House on new principles, then I think it is not too much to ask that those principles shall be clearly defined, before we are required to take a single practical step towards the abolition of the existing frame of the House of Commons.

"Even after all these explanations had been given, I should think myself at liberty to compare the dangers of a change with the advantages of the change specifically proposed. But without these preliminary explanations, without knowing exactly what is the nature and extent of the change intended, I should think that to countenance any abstract declaration of the expediency of a change, would be madness.

"I differ from some gentlemen who have spoken in this debate, in my belief as to the degree in which the desire for parliamentary reform prevails throughout the nation. I very much doubt whether that desire prevails much beyond the class of determined reformers, except, perhaps, among timid and indolent persons, who, untaught by experience, or fearful of exertion, imagine that concession to an invader is the way to peace. With the turbulent description of reformers, it is agreed on all hands there can be no dallying or compromise. To attempt to conciliate them would be utterly hopeless; and I repeat I do not believe the sound part of the community to be at all widely infected by the love of change. To use a figure of Mr. Burke, I will not mistake the importunate chink of a few grasshoppers chirping under a fern bush, for the voice of the lordly oxen that stray in sober tranquillity over the surface of the field.

"I must fairly say, however, that if I could once bring myself to admit the premises which the honourable baronet lays down, I should acknowledge his conclusion from them to be more logical than that of those who call themselves moderate reformers. The latter affirm the existence of a wide-spreading corruption as broadly as the honourable baronet. But the honourable baronet advises a new construction of the House, while the moderate reformers profess to be satisfied with some very trifling alteration. Now, if the disease be as great and as malignant as it is described, I could not be satisfied with so partial a remedy. But I do not admit such to be the extent and malignity of the disease. I do not admit, for instance, that the close boroughs, against which so much has been said, and which are the most obvious and striking anomalies in a plan of representation theoretically considered, are by any means a rotten and gangrened part of the Constitution, to be cut off without mercy or remorse. I think them not only defensible, but serviceable. This opinion, Sir, I hold at least disinterestedly. I can have no fear that Liverpool should be involved in any plan of disfranchisement. And I protest I believe, that the Administration of which I am a member, would not lose, but would benefit, by the abolition of the close-borough representation. No small proportion of those boroughs is in the hands of our opponents. If the boroughs of Knaresborough, of Tavistock, of Horsham, of Winchelsea, of Peterborough were disfranchised, and the right of election were transferred to more populous places—to Birmingham, to Manchester, to Sheffield, to Leeds, I really do not believe that His Majesty's Ministers would lose numbers in this House; on the contrary, I believe that they would receive more support than at present. But I should regret very much if, by such a measure, the House should be deprived of so many of the

great lights* which I see in the opposite quarter of the horizon.

"The House and the right honourable gentleman will do me the justice to acknowledge, that I have stated my opinions on this question without prejudice, without passion, without any personal or party bias. I think now, as I always have thought, that the Constitution of the House of Commons is practically beneficial, though I do not pretend that it is conformable to any uniform theory. If I am asked, for instance, why 658 is a more proper number of members than 657 or 659, I confess myself at a loss to answer the question. It is the collective character of the House which I regard; and I maintain that in its aggregate capacity, and in its general operation, it faithfully represents not only the general interests of the kingdom, but the particular interests of every assignable portion of it; and that it follows, not precipitately, but deliberately and considerately, the real wishes, opinions, and feelings of the people.

"The gentlemen who oppose the Government contend, indeed, on all occasions that they are right, and that Ministers are wrong; and that the House of Commons, agreeing with the Ministers, are therefore wrong with them, and ought, like them, to be sent about their business. But this is mere assertion, and is, in truth, a very short way of disposing of a very complicated question. Do those gentlemen who are in a minority in this House, find themselves in a majority in the country? They will not say so; they cannot think so. Take, for example, the question of the late war. Have they any doubt that, through the

* Mr. Tierney, Sir James Mackintosh, Mr. J. P. Grant, Mr. Brougham, Mr. Scarlett, &c. are among the representatives for the boroughs enumerated by Mr. Canning.

whole course of that war (to which they now, by the way, attribute all our distresses), a majority—an immense majority—of the nation, were of the same way of thinking with the majorities of the two Houses of Parliament? Do they doubt that, in that glorious war in which England saved Europe, and with Europe saved herself, her Government was enabled to effect these mighty purposes, not only by a confiding Parliament, but by a concurring people? To say that such a war was, or could be carried on in contradiction to the wishes of the country—that it was a war against the people—is absurd. A war of twenty years—accompanied with privations and sacrifices never before heard of, and all cheerfully borne by a people reluctant and unconsenting, insensible to the demands of their own security, and deaf to the shouts of triumphant valour—borne, too, without murmur or remonstrance—the statement refutes itself. Gentlemen know that it does so. They know that the war was undertaken for the destruction of tyranny, and for the vindication of the liberties of mankind. They know that the glory acquired to England, and the interest felt in that glory by the people of England, were as great as the majorities in Parliament were overwhelming; and they know that those parliamentary majorities were but the express image of the sentiments of the nation.

"There is another consideration which induces me to distrust the honourable baronet's assumption of a general popularity for the doctrines of which he is the champion. It is, that this question of parliamentary reform is never eagerly agitated, unless when some poignant, though passing, difficulties assail the country. This was notoriously the case at the first promulgation of the doctrines of reform, towards the end of the American war. It was the case in 1793, when the desolating principles of the French revo-

lution, and its tremendous military successes, disquieted sober minds with an apprehension of ruin to the kingdom. It was the case in 1797, at the period of the mutiny at the Nore; and again in 1798, during the height of the disturbances in Ireland. In 1810 and 1812, the question of reform was indeed brought forward, but without exciting much interest, or receiving any material support, either within doors or without; and from the latter period it slept until the year before last, when the honourable baronet burst upon us with the elaborate plan of Major Cartwright. To that admirable system, and to the peculiar doctrines of that patriarch of reform, I consider the honourable baronet as inviolably pledged. He is the undoubted and sole heir of the venerable major. I hope that when that system and those doctrines shall descend to him by right of inheritance, he will enjoy them to as full a maturity of age and intellect as his predecessor; and that he will finally hand them down unimpaired to some successor, equally gifted with himself, but doomed to be, equally with himself, unsupported and hopeless in the prosecution of them.

"Beside this plan of the honourable baronet, I am not aware of any specific proposition for reform now before the public—except the threatened one, from the other side of the House, for shortening the duration of Parliaments. It is now, Sir, about one hundred years since the Whigs made Parliaments septennial from triennial. During the first half century after that change, they monopolized the Administration of the Government. So far, all went well. But for nearly the whole of the last fifty years, the Whigs have been out of office. Are they anxious to try whether they may better their chance by undoing the work of their own hands, and returning to triennial Parliaments?

"Now, Sir, as to triennial Parliaments, I confess I object to them—anti-reformer as I am:—but if I were a radical

reformer, I should object to them infinitely more. On my own part I object to them for all the reasons so often urged in debate against the repeal of the Septennial Act, in the course of the twenty years that followed its enactment; reasons, I admit, of expediency rather than of principle. But as a reformer, I should reject with indignation an attempt to delude me with a specious appearance of regeneration; calculated to aggravate in effect that very inequality of representation of which the reformers particularly complain. The objects of their strongest antipathy we know are the close boroughs, in defence of which I have ventured to say a few unpopular words; they hold it an abomination, that Tavistock should return by nomination as many members as York, or Bristol, or Liverpool, by free election. But what could so much enhance the advantage of Tavistock over York, or Bristol, or Liverpool, as increasing the frequency of elections? The trouble, the anxiety, the expense—the lawful expense, I mean—of a contested election for a populous place, are no light matter: while the quiet sitter for a close borough may be returned by the dash of a pen, without moving out of his easy chair. This takes place now, once in seven, or, as is the practice, once in about six years. Make it to happen once in three years;—you double the disadvantage against the popular representative;—and then have the assurance to call this a reform!

"But let not gentlemen deceive themselves with a fond expectation, that dextrous contrivances such as these, or that any palliatives, however specious, can amuse the real reformers. It is not with such sacrifices that you can gorge and satisfy the all-devouring monster of radical reform. No, no, no. The reformers mean, and they demand, a strict personal representation; they mean and they demand a direct expression of the people's will.

"I can only say, that *if* Government be a matter of will, (I thought it had been matter of reason and convention) and *if* the will of the whole nation be once fully represented —these two premises being assumed,—the conclusion that follows from them is to my mind inevitable: it is shortly and plainly this, that the assembly so fully representing the national will, must be, and in sound logic ought to be, the whole Government. There is no room, no pretence for any other power in the State....Kings and lords are useless incumbrances: and such a House of Commons all in all.

"Such, I say, is the logical, the necessary, the unavoidable inference from the premises, once admitted, of the honourable baronet and the radical reformers. I content myself for the present with merely stating them, not presuming to find fault with them, nor proceeding to argue them on this occasion. Opportunities will probably occur for that purpose. I should not even have touched upon the subject of Parliamentary reform to-night, had it not been for the taunting invitation of the right honourable gentleman, and the solemn admonition of the honourable baronet. But, so called upon, I could not decline stating my opinions, without appearing to shrink from them. I do not shrink from them. I have stated them, I hope, intelligibly; I am sure without any reserve.

"Other warnings are addressed, not to me only, but to the House, as to the lessons to be learned from the French revolution. Undoubtedly these two lessons are to be learned from the French revolution; first, that proper changes ought not to be delayed too long; secondly, that precipitate changes are subversive of the peace and order and happiness of nations. But can any man look to the history of the ill-fated Louis XVI., and say, that it was his obstinate adherence to the rights of the throne which he

inherited, that embittered the last years of his reign, and finally led him to the scaffold? Can any man seriously contemplate the course of events which brought that monarchy to ruin, without trembling at the consequences of a too obsequious subservience to temporary popularity?—without perceiving how easy and how dangerous is the mistake of sacrificing the interests of a whole community to the clamours of a discontented few? Let not then the lessons of the French revolution be lost upon us! When our ears are assailed by clamour for change, let us not be unmindful of the silent apprehensions, the confiding patience of that large portion of the community whom these clamours distract and appal! Let us not mistake their silence for acquiescence; nor their confidence for carelessness! The feeling of alarm is deep, and general, and just. The persons, whose machinations are the subject of this debate, and the cause of our being called together at this season, are valueless as motes in the sun-beam, compared with the loyal, quiet, unmurmuring millions, who look up to Parliament for protection. Let them not look up to you in vain! Let not the claims, and the welfare of those millions, —of the loyal and the good, of the peaceful and the pious, —be disregarded by the House, in deliberating upon the measures which are necessary for the safety of the country. '*Vos ne populo Romano deesse videamini providete? Obsessa fascibus et telis impiæ conjurationis vobis supplex manus tendit patria communis. Vobis se, vobis vitam omnium civium, vobis arcem et capitolium, vobis aras penatium, vobis muros atque urbis tecta, vobis templa deorum atque delubra commendat.*'"

NEWSPAPER STAMP DUTIES BILL.

DECEMBER 22nd, 1819.

Lord Castlereagh moved the third reading of the Newspaper Stamp Duties Bill.

Mr. Canning* congratulated the House on having at length heard, in the long-expected, and much-to-be admired, speech of his honourable and learned friend, (Sir J. Mackintosh) those reasons against the system of measures proposed by His Majesty's Government, which up to that period had not, he thought, been fully stated to the House. In many, perhaps most of the general principles laid down and enforced by his honourable and learned friend, he entirely concurred. But he thought the whole scope of his argument would go, not merely to the present measures, but to any possible restraint by which the complete and unfettered freedom of the press might be affected. Yet even in that principle, as a principle he was not inclined to differ from his honourable and learned friend; for he thought with respect to the press as with every other part of human freedom, that it was a matter of regret when the Legislature was forced to interfere. It certainly was a matter of great regret, when to existing restraints, they were obliged to add others not hitherto enacted; and he considered that the justification of the original, or the augmented restraint, was only to be found in the necessity, or high expediency of the case—not in the value of the rights of any set of individuals, but by a comparison of their rights with the rights and interests of the

community of which they were members. It was one great beauty of the English law, that about small things it did not trouble itself. Much was left to the good sense and discretion of the community, and it was only when that good sense was overborne or laid aside, that legislation stepped in, for the purpose of securing those good manners and good morals which formed the cement of society. It undoubtedly was more desirable that they should be secured without positive enactments, but positive enactments were frequently absolutely necessary. His honourable and learned friend seemed to have adopted the idea, that up to this moment the press was that "chartered libertine," which it had been so eloquently described to be; and that this was the first time that Parliament had touched the press; as if it did not live under restraints, which showed the impossibility of ascribing that principle of perfectibility to it which his honourable and learned friend had assumed. Whether it was or was not necessary to impose a new modification on the liberty of the press, certain it was that in looking back to former times, they would find precedents sufficient for such a proceeding. He well recollected the conflict of intellect (and a similar conflict he never expected to see again) which was witnessed in the House of Commons in 1794-5. His honourable and learned friend, in adverting to that period, had overlooked the circumstances of the very last restraint which was imposed on the press. When his honourable and learned friend said, that these measures must operate to the entire destruction of the freedom of the press—that there would be an end to discussion—that men of talent and education would be reduced to complete silence as soon as they were passed, he forgot that the same prophecy, uttered in the same style, was pronounced at the period to which he had adverted. The prophecy did not indeed come from his honourable and learned friend, who was not then in the

House, nor yet from the Whigs, whom his learned friend, had accused him (Mr. Canning) of reproaching (of whom, indeed, he spoke with less respect as a corporation, than he did in their individual capacity), because they had seceded from their duty; but from a right honourable gentleman opposite, who did persevere in his attendance on Parliament. The act which gave rise to this prophecy provided, that presses should be registered; that no person should publish any thing without the printer's name, and that every printer should keep a copy of what he printed. These laws, then introduced, were made permanent laws, of which it was predicated, that if they were passed, they would be equal to an *imprimatur*, and that the liberty of discussion would be destroyed for ever: yet these laws were passed; and he would ask of all those within the walls, and of every man without them, to whom what passed in that House was conveyed, whether the permanency of those laws had tended to narrow the freedom of discussion; or whether, since they had been enacted, one particle of the liberty of the press had been abridged? His honourable and learned friend's present apprehensions were just as visionary as were the fears which existed at the period to which he had adverted. He had no doubt (and it was because he had no doubt that he willingly agreed to those measures), that when they were passed, notwithstanding all that was said of the danger with which they threatened free discussion, there would not be any want of a full canvass that day twelvemonth, of the measures of Government, or of Parliament. And if it became more respectable and efficient by being rid of that extraneous matter by which it was at present incumbered and polluted, he believed, instead of losing any thing of strength or power, the free press of this country, as applied to honest purposes, would have greatly gained. His honourable and

learned friend seemed to forget that the object of these measures was to come at the person really accountable for any writing that might be published. He had drawn from his rich and fervid fancy an animated picture of a young man wishing to raise himself into public notice by literary efforts (as was his own case, and that of his honourable and learned friend), possessing great talents, looking ardently forward to a career of literary glory, and stopped in the very outset of his efforts by this law. His honourable and learned friend was not borne out in delineating this picture. If he looked to those names which flourished in the annals of British literature, he would not find printers and publishers enrolled there, but authors who were dependent on them. They might indeed be found quarrelling, struggling, and estuating under the tyranny of those persons; but his honourable and learned friend could not easily show him a man of that ardent and enthusiastic character which he had supposed his hero to be, anxiously looking at the gain attending practical publications. This measure was not intended, it was not calculated to throw any obstructions in the way of genius, but it was to restrain offences which arose from mere pecuniary considerations, and which could most appropriately be prevented only by means of pecuniary consideration. In speaking to that part of the question, it was not fair in his honourable and learned friend to excite and interest the feelings, by representing a person arrayed in all the splendid colours which the richness of his own fancy could supply; it was not fair to impose upon their judgments by exhibiting before them an ideal representation, dressed up in all the colours of the rainbow. If the young author should be free from the influence of pecuniary motives, this law would not be applicable to him, and all the interest excited in his behalf was not available to the present question. He begged to say,

that in stating the sentiments of young authors respecting printers and booksellers, he did not adopt them as his own.

There were not more respectable persons in the world than those who presided over the press of England. Whatever might be said of those times when literature and bookselling stood to each other more in the relation of market and sale, now that they were not distinct and separate, now that they were united, there were not to be found in the world persons so generous, so noble, so liberal to the young aspirant, as the booksellers of this country. On that score, as well as on others, he would throw no obstruction or impediment in the way of publication; and he as well as his noble friend had accordingly removed from this bill every thing which in their judgment could be removed without impairing its utility and efficacy. What inconveniences still remained, must be classed among the unavoidable inconveniences of the times; and traced, not to an unnecessary pruriency of legislation, but to the diffusion of an evil, with respect to the magnitude and malignity of which there was but one opinion in that House, and with respect to the expediency of checking or not checking of which there was no more question than there could be whether one who had the power should take his stand between the living and the dead, and stop the plague. If a few inconveniencies should exist, if the interests of some persons should be partially injured, if certain difficulties should be presented to those who were now on the threshold of their career, men would soon adjust to the new state of things, their hopes and fears, their plans and exertions; they would gradually obviate all the inconveniencies, and leave only to be contemplated in this measure, an additional security to the peace and prosperity of the country, which would enable them to proceed without impediment and with additional confidence.

Of all the amendments that could possibly be offered, the present amendment for making the measure temporary was the one to which he was least disposed to accede. There was or there was not ground for passing this measure. If it was proved to be necessary, there could be no reason to believe that it would in a short time cease to be necessary. On the contrary, the venom accumulating till the expiration of this law should arrive, would then be diffused with increased activity and effect. The general character of the press ought to be rescued permanently from the blots which tarnished its beauty and its force. Then would it proceed as it before had proceeded, rendering most essential services to the country, to the cause of freedom, to the happiness of the world. His honourable and learned friend had not mixed up much of his argument with the consideration of the other bill on the table (the Libel Bill), but as he had not been able altogether to separate two questions so closely connected, it perhaps would be for the convenience of the House if the little he (Mr. Canning) had to say (for though the bill was important, the provisions were but few, and would not require many observations), be said on the present occasion.

The honourable gentlemen opposite had somewhat lowered, and justly lowered the tone of their opposition to that bill —and he knew it would be stated, and truly, that the change in tone proceeded from the concession which had been made by commuting the punishment of transportation for that of banishment. With respect to that commutation, it was the more gratifying to his personal feelings, that it had been conceded to the request of that very respectable body of men, the booksellers of the metropolis. Another petition had since been presented from them, but he hoped that having received this concession to their first application, they would not think it hard if their second application was

not received with equal favour. The grievances stated so ably and with so much distinctness and discrimination in the first application, no longer existed as an objection to the measure in question. If Parliament were now legislating for the first time against a crime destructive of the institutions of the country; if they were now to select the punishment which would deter others from following the criminal example, and warn the offender from the repetition of his offence, that punishment was the one which removed from the country and the society which he disturbed, him, who after having offended and received punishment, showed a disposition so rooted in his nature, as to return to the same course. What punishment so appropriate, as to oblige him to abjure the realm whose peace and happiness he had repeatedly invaded and endangered? If this punishment had been so unknown in our history as it was asserted, but not proved to be: if it had been as new as this act; if it had never existed before; if they were called upon for the first time to assign a punishment for this indefinite, and if he might not be mistaken he would use the expression more noble offence (for all political offences were of a higher and nobler order than mere larceny); if they were to enact some punishment which would save the country from the perils occasioned by the offences, and remove the offender from the sphere of offending—the punishment of banishment, if not already invented, ought to be found out for the purpose.

His honourable and learned friend, as well as many other honourable members, had said, that this measure would leave the press in a worse state than at any period since the revolution. But it was not considered that the state of the press had since that time been greatly improved and elevated. It was not above three or four years since the punishment of the pillory was abolished. Up to that very late period a power was in the breast of the judge to apply that

punishment to the crime of libel. Did he regret the alteration thus made in the law? No. He would not refer to his vote upon that subject; for that was nothing; the punishment having been abolished by acclamation. But if it had been then proposed to substitute banishment on a second conviction for the pillory, in all cases, would any rational man have denied that the law would be made better by the change? If this had been the only alternative, would the House have hesitated to adopt it? The pillory was at all times in the discretion of the judge; banishment would be in his discretion only on a second offence. The pillory had been most happily abolished, as it was a most degrading and infamous punishment—a punishment holding up men of letters and education to the gaze and insults of the populace. Be it recollected, too, that this punishment had been applied in modern times. The press had therefore gained a higher rank than it held before. He would go as far as any man in separating the respectable part of the press from those who were hostile, not only to the present Government, but to all government. But it was one of the necessary evils of the aggregation of society, that justice could not strike its victim, without in some degree alarming or dispersing the herd among which that victim sheltered itself. It was no disgrace to the more noble animals, that those who associated with them but to degrade them were singled from amongst them; but the House could not have shown itself equal to meet actual danger, and suppress menaced rebellion, unless it put down the principles which agitated the country, and which wanted only courage in the advocates of them to display themselves in open rebellion.

An honourable and learned gentleman had said that the Government had already done enough, that the measures already passed were sufficient, and that Parliament should beware of driving the people to despair. Good

God! drive the people to despair! of all—not fallacies, for fallacies implied a use, though a perverted use, of the reasoning faculties—but of all the vulgarisms that could disgrace discussion, of all the abuses of terms which could be committed, the misuse of the word "people" was the worst. What was the meaning of the word "people?" The people, as synonymous to a nation, meant a great community, congregated under a head, united in the same system of civil polity for mutual aid and mutual protection, respecting and maintaining various orders and ranks, and not only allowing the fair and just gradations of society, but absolutely built upon them. That was a "people." But in a mass of persons, first stript of the government, then stript of the aristocracy, then stript of the clergy, then stript of the magistracy, then stript of its landed proprietors, then stript of its lawyers, then stript of its learning, then stript of everything which ornamented and dignified human nature—in such a mass he could no more recognize the people than he could recognize in the tub of Diogenes the man of Plato. A mere populace, deprived of every thing essential to what by common consent was called a nation. But when the term "people" was applied to a portion of a community arrayed against the interests of the nation; not only distinct from, but hostile to the nation; when the term was applied to such as these, it tended directly to encourage insurrection and rebellion.

He was sorry, therefore, to hear an honourable and learned gentleman of so much eminence, give into the use of so vulgar an application of language, and insinuate that these were two hostile parties—the Government, endeavouring to appropriate a certain portion of the Constitution, and the people praying to be allowed to retain their rights. The honourable and learned gentleman had ex-

patiated on the claims of a portion of the people, while he had left out of view that part of the people, without the security of which there could be no order, no safety, no happiness. On their behalf, who were last in the fair arrangement of society, the honourable and learned gentleman had been more solicitous than on that of all the other orders of the state. But in behalf of all the other orders of the state, and on behalf of the last order too, he (Mr. Canning) implored the House to quench, not as a temporary experiment, but with eternal and lasting indignation, the accursed torch of discord which was blazing or smothering throughout the country. He earnestly deprecated the notion of treating this evil as lightly as an excise bill or a custom-house regulation; and he trusted that Parliament would not give the authors of the tremendous metaphysics so unfortunately prevalent, the hope that any hesitation existed on the subject; but that, on the contrary, they would at once enact a measure that would save what was respectable, annihilate what threatened destruction to all order and security, and thus prevent at the same time the present continuance and the future repetition of the evil which called for their interposition.

The bill was read a third time and passed.

BLASPHEMOUS LIBEL BILL.

DECEMBER 23d, 1819.

The House having resolved itself into a Committee on this Bill, Sir J. Mackintosh proposed an amendment in that part of the clause which set forth, "That from and after

the passing of this act, in every case in which any verdict or judgment by default, shall be had against any person for composing, printing, or publishing," that the words "maliciously and advisedly," should be introduced before the word "composing." The words which he wished to insert, formed part of the act of the 36th of the King, which, in all other parts of the present bill, was minutely and exactly followed.

Mr. Canning* could assure his honourable and learned friend, that as far as it applied to him, there had not been the slightest occasion for the apology which he had just offered to the committee. He never thought, and he was convinced the House never thought his speeches too long. There was no man to whom he listened with greater pleasure than he always did to his honourable and learned friend, because, even when he could not come to the same conclusion, he always heard much to delight and much to inform him. However much in general he concurred with him in matter of principle, and much as he in general approved of what fell from his honourable and learned friend —if there was any regret felt by him on this occasion, it was, that with that power of eloquence he so eminently possessed, he had taken a basis much too wide for the motion with which he concluded. And he could assure his honourable and learned friend that he would have come to the discussion with very different feelings, if he had not overlaid the motion by the earlier part of his speech, but had proposed the amendment without the general argument, which had added much to the amusement of his speech, and much to his delight, but nothing to his conviction, and much he owned to his alarm. The amendment proposed might or might not be harmless. But, in calling upon those who proposed the present bills to

state their reasons for them, in the alarming tone which his honourable and learned friend had used, he had imposed a task of awful magnitude upon those who differed from him in their political views. The alternative which his honourable and learned friend had proposed to their acceptance was this—either that they should surrender their liberties to some unknown, undefined, and invisible power, or else that they should acknowledge the supremacy of the daily press. To the latter, he, for one, could never assent: in spite of the obloquy which might attend the declaration he was now going to make, he was determined conscientiously to discharge his duty; and if the choice was, whether he was to sacrifice himself and save the institutions of his country, or save himself and sacrifice those institutions, his mind was made up, his resolution was taken, and the sacrifice of himself should be willingly offered to the good of the nation. Whatever he might yield to the arguments of his honourable and learned friend, he would yield nothing to his threats.

Before he entered into a consideration of the definition of libel, which had just been offered to the committee, it would be well for them to consider of what nature the power was with which they were called upon to contend; they had heard that it resided amid clouds and darkness; and that from the midst of those clouds and that darkness, it hurled its vengeance with such unerring aim as never to fail in striking down its victim: they had heard this dreadful denunciation, and therefore it became them to consider whether the freedom of Parliament was to yield to the freedom of the press, and whether the freedom of the press ought not rather to be denominated its despotism? Despotism was not merely of one kind or description; it existed in various shapes, and arose

in various ways; but to no despotism, however created, or however formed, would he ever yield himself up a willing victim. He abhorred the despotism of one man, because it was calculated to destroy all the enjoyments of life, and to render existence scarcely worth supporting. He objected to the despotism of many, whether it appeared in the shape of aristocracy or democracy; to the former he objected, because it destroyed the spirit of competition, and checked the aspirations of ambition and hope; and to the latter, because it led by an ascertained course to military despotism. The despotism of the press, however, appeared to him to be more insupportable than all the rest; indeed, if they might credit the description which they had just heard of it, the imagination could conceive nothing more terrible. There was not only a power in it which, it seemed, it was impossible for any human ingenuity to resist, but there was also a power which acted with all the secrecy of a Venetian tribunal, and at the same time struck with all the certainty of the Holy Inquisition. This power, it was allowed, had grown up under the fostering care and attention of Parliament, and Parliament was now advised to win it over to its side, in order that it might not turn round and destroy the parent from which it sprung. To such a degradation he would never submit. To such an argument he would not yield a single inch; no, not even though his honourable and learned friend advised him to do so. His honourable and learned friend, in giving that advice, had endeavoured to tempt the House into a discussion into which he should not follow him. He had given a character of the daily press on which, for the most part, he did not differ from him.

With respect to the individual to whom his honourable and learned friend had more particularly alluded, he would say that from some circumstances he happened to be ac-

quainted with, in his own mind he was convinced he deserved the character which had been given of him by his honourable and learned friend. He would say this of that individual,* that he believed him incapable of availing

* Mr. Perry, for nearly forty years proprietor of the principal opposition newspaper—the *Morning Chronicle.* This gentleman was deservedly respected by all parties. Sir J. Mackintosh, in the course of this debate, paid the following eloquent tribute to his virtues and talents:—

"He knew a gentleman who had been engaged during the whole of the last forty years, as the conductor of one of the most popular newspapers; and to his situation, and his conduct, as they had come very much within his own knowledge, he would wish to call the particular attention of the House, writing, as that gentleman generally did—in haste; writing too, under the impulse of generous feelings of party; easily excited when the liberty of his country, or the rights of humanity were invaded; acting as an invisible, unaccountable, and unassailable being; exercising a power almost despotic, over the minds of his readers; and yet with all these temptations to abuse—(and here he would suppose him secured always from greater temptations, by his well known integrity, and the incorruptibility of his character—he would suppose it impossible that he could be ever charged with venality, indecency, or improper motives of any description)—yet, notwithstanding all these considerations, he had never been even subject to an accusation for private slander, and had never been convicted for a public libel. The House might suppose that the individual in question had been favoured by the ruling power; but so far from this being the case, he had seen the men whom he had always supported, only three years in office. Still he had always adhered to the principles on which he had commenced his public life, in spite of the allurements of office, and the frowns of power. He would ask whether, during the same period, any man in Europe had acquitted himself with more credit in a public situation than the individual to whom he alluded, he meant the gentleman who

himself of the power in his hands to gratify any private soreness or private hostility. But while he admitted this, and trusted that the concession would qualify the severity of any farther remarks that he might make on the subject, he could not allow that the daily press was wholly free from blame in some of the particulars to which his honourable and learned friend had alluded. At no very distant day he had seen in some part of the political press, an extract from a pamphlet, recommending assassination as a means of obtaining political freedom. That extract was quoted, without being accompanied or followed by any observation, except that the assassination recommended was only conditional. Such a passage he had read, but he would never have thought of mentioning it but for the challenge thrown out by his honourable and learned friend, that it was impossible that this part of the press could be guilty of any possible aberration from rectitude or propriety —and he only adduced the circumstance as a qualification of his honourable and learned friend's general commendation, the danger of even a possible aberration. Yet, though he could not concur with his honourable and learned friend's panegyric in every particular, he very readily

was the conductor of the principal opposition print—Mr. Perry, the editor and proprietor of the *Morning Chronicle*. He had not described any person who was a supporter of the Government, because that would not have been so much to his purpose, but to an individual who, during thirty-seven years, had been one of its principal and most effective opponents. He had quoted him as an instance of high honour, unimpeachable integrity, and undeviating principles, in order to show that these qualifications were carefully cherished among those who were connected with the press, and in order to impress upon the committee the necessity of conciliating those who conducted that mighty and irresistible engine.

agreed with him that in the present times there was a tone of decency in the daily press which ought not to subject it to any participation in the blame to which the other parts of the press was entitled. But in an act of solemn legislation they ought to look neither to the right nor to the left.

He agreed with his honourable and learned friend that when either in the moral or the physical world any new power made its appearance, it became an object of importance to obtain the aid of that power, and to reduce it to a state of subserviency, instead of opposition to our interests. But as little, when any explosion of nature took place, which seemed to threaten universal desolation, was it the part of sound philosophy to prostrate itself before the formidable phenomenon, instead of raising, at any risk, a dyke to stop the progress of the ruin. But how could this argument as to the danger from the power of the press, be reconciled with some other arguments which they had heard at an earlier period of the debate, and which tended to prove that the freedom of England and the power of its press had fallen off? The fate of our legislation, perhaps, of our empire itself, had been said to be fixed, and our decline had been declared to have been already commenced. Parliament had been warned of their degeneracy from their ancestors; public opinion had been said to be stifled; the love of freedom and the spirit of patriotism had been lamented as extinct. The argument used to-night by his honourable and learned friend was a decisive refutation of those desponding statements which the house had heard last night. Public opinion was represented by his honourable and learned friend, and truly represented, as possessing now tenfold force at the present, compared with former times. Not only was public opinion advanced, but its power was accumulated, and conveyed by appropriate organs, and made to bear upon Legislation and Government, upon

the conduct of individuals, and upon the proceedings of both Houses of Parliament.

He was not so foolish as to regret—he was not so mad as to attempt to arrest—the course of public opinion. But, he was not so feeble, or so fearful, as to surrender the right of legislation, or to abdicate the functions of Parliament, not to public opinion, but in order to conciliate the organs by which public opinion was expressed.

He agreed with his honourable and learned friend, that there was much difficulty in definitions of prospective offences, and that too much solicitude about definition was apt to defeat its purpose, and he would rather leave the offence which it was the object of the bill to punish, to be defined by circumstances and facts, than attempt to describe it too minutely. But it was one thing whether a definition should be introduced in the original act of legislation, and quite another thing whether it should be left out, with the knowledge that there it had once stood. It might be proper, and it would be safe, to refrain from definition in the first instance; but to strike out what had been once inserted, was not to leave the law in the same situation as if it had not been introduced, but to intimate by inference that those things so left out were not considered as crimes.

He did not deny the superiority in many respects of his honourable and learned friend's definition. In point of length, it certainly was extremely superior. If they measured them by words or by sentences, by weight or tale, his honourable and learned friend's amendment was infinitely more voluminous than the clause which he was disposed to displace. He was not sorry that it was so, nor was he supposing it a fault; but it was rather an awkward remedy for what his honourable and learned friend had considered as too complex and too extended. But to prove

his disposition to conciliate, he was willing to take all that was in the bill; and, together with that, a part of his honourable and learned friend's amendment. The only part which could be added to the bill from the amendment he would adopt, but he would not agree to disgrace what was in the bill by displacing it. What was the expression in the bill proposed to be amended? "Any blasphemous libel, or any seditious libel, tending to bring into hatred or contempt the person of His Majesty, his heirs or successors, or the Regent, or the Government and Constitution of the United Kingdom, as by law established, or either House of Parliament," &c. If he adopted his honourable and learned friend's plan of conciliation—if he yielded to that Manichean dread of the power of the press, this definition was to be left out. Though he was sure that the press was supremely attached to the King, and that it had the most affectionate respect for both Houses of Parliament; yet if, in deference to the power of the press, if from some unaccountable spirit of conciliation, they left out this part of the bill, they would leave out the very best part of it.

He was persuaded that the conductors of the power of the press would guard those sacred depositaries of constitutional authority with unrivalled zeal; that they would protect their rights with the utmost ability; that they would direct their proceeding with consummate wisdom. But the members of that House had some interest in this duty; they also had "done the state some service;" they were bound by their oaths to protect the powers entrusted to them; and, highly as he valued the power of the press, he could not consent to surrender the share which Parliament ought to have in the co-partnership. The Legislature performed a part which was not unknown. Their powers were ascertained, their faculties were measured. They were not en-

veloped in clouds; they wielded not a force whose existence could be perceived only by its fearful effects. Their intentions were perceived; their words were heard; their proceedings were published. In a few hours it would be known from one end of the kingdom to the other, that he now discharged his duty at the hazard of owing the little reputation which belonged to him to the mercy which he would not condescend to supplicate. Yet he would not surrender to the guardianship of the press those principles which Parliament was authorised and commanded to take to its peculiar care, and which it could not relinquish without forfeiting its rank and character. He had no objection, however, to include in the bill that part of his honourable and learned friend's amendment which related to instigations to assassination. He was happy that his honourable and learned friend should thus have his share in securing that sober freedom, that temperate ardour of liberty which the bill was calculated to cherish, and which none was more anxious to promote or more capable of teaching others to reverence than his honourable and learned friend.

The amendment was negatived.

MR. BROUGHAM'S MOTION RESPECTING THE DROITS OF ADMIRALTY.

MAY 5th, 1820.

Mr. Brougham, in a speech distinguished for great eloquence, extensive research, and varied ability and learning of every kind, introduced the following motion:—

"That it is expedient, with a view to the arrangement of His Majesty's civil list, to take into consideration the Droits of the Crown and Admiralty, four and a half per cent. West India Duties, and other funds not usually deemed hitherto to be within the immediate controul of Parliament, and to make such provisions touching the same as may be consistent with the honour and dignity of the Crown, the interests of the subject, and the maintenance of the Constitution."

MR. CANNING* began by observing, that if any stranger had entered the House during the last few sentences of the honourable and learned gentleman's speech, without knowing what had been his previous argument, such stranger would have been induced, from his high tone of indignant remonstrance, to imagine that the honourable and learned gentleman had been called upon by some pressing necessity to make a stand against some new assault of arbitrary power, some sudden encroachment of Ministerial rapacity. He would have conceived, as soon as he learned the subject of debate, that some extraordinary augmentation to the royal income was contemplated; and this, without any regard had to the present state of the country, and utterly inconsistent with the universal and acknowledged practice of the Constitution. That stranger, must, however, have been somewhat surprised at the motion which followed this vehement declamation, for he would see that the motion distinctly recognised that the funds in question had never been deemed as under the controul of Parliament, and had always been dealt with as it was now proposed to deal with them. If this stranger had heard the speech without the motion, he would have thought that all the innovation was on his (Mr. Canning's) side of the House, and that the honourable and learned gentleman was the champion of established usage; he could not have supposed that no new

burthen was intended, but on the contrary, a strict adherence to an old compact, which had been long and well considered; and that he who declaimed so loudly in favour of the Constitution was the first to propose innovation, and, as the price of such innovation, was willing to impose a new burthen on the people. As to the temptation thus held out to his side of the House, he could answer for his colleagues, and (he trusted he might say it without disrespect) he could answer for the Crown, that they and it would reject the boon which was offered as an inducement to sell the royal prerogatives. He could assure Parliament that there was no disposition on the part of His Majesty's Ministers to depart from a practice made sacred by long prescription, unless, indeed, some system was presented to them whose advantages were obviously greater than those incident to the present usage. As to one branch of the funds under consideration, that connected with the Droits of Admiralty, the honourable and learned gentleman objected not only to its disposal and general administration, but had argued that the fund should be abandoned altogether.

In his view the fund had made the country odious thoughout Europe. Now, supposing this to be the fact, he did not see how the case would be bettered by putting such a fund under the controul of Parliament. The character of the country would be left just as it was. In order to be consistent with his argument, the motion of the honourable and learned gentleman should have been of a different description—it should have been an Address to the Crown to abolish the fund altogether. In addition to its inconsistency, the motion has been interposed in a most unusual manner and season. During four reigns, and for upwards of a century, the invariable practice had been, that the settlement of the civil list should be the first subject arranged by Parliament at the beginning of a new reign. The

honourable and learned gentleman might, perhaps, inquire why, then, did not Ministers bring the subject forward before the dissolution? To this he would answer, that it being evident that the public business could not be brought to a close within such reasonable time as belonged to the constitutional existence of the old Parliament, it had been thought adviseable, for the benefit of all, that the dissolution should take place immediately. He could not enter now into all the reasons of the measure, but he could say that it was adopted in the most perfect spirit of fairness and candour. As soon, however, as the new Parliament was assembled, it was naturally its first business to arrange the civil list. The proposition from the Throne stated that no new burthen was contemplated for the support of the civil Government, and of the splendour of the Crown. It asked nothing beyond the last arrangement; with respect to which it might be observed, that from the experience of four years, it had answered the expectations of those who framed it. It was ungraciously said, that though no new fund was wanted, yet it was the business of the House to see whether there was not something to take away. For himself, he certainly had not anticipated such an objection; and he thought it neither expedient nor fair. If the civil list exceeded the usual stipulation, then there was a cry of wasteful excess: if it came within the usual limits, then Parliament was called upon to examine into such suspicious economy, and to see if something might not be cut away by Act of Parliament from funds which were already retrenched, without permission first had and obtained. All that was desired on the part of the King's Ministers was, to adhere to the old arrangement without any augmentation; and it was too much to say, "you are too well satisfied, and it is our duty to see whether we cannot take something from you as a punishment for being so easily

contented." The honourable and learned gentleman had fairly, indeed more than fairly, professed his willingness to make compensation for all he should take away; so that the question, as far as his argument was concerned, was not one of diminution or retrenchment, but of bargain and sale, with the chance of inflicting further burthens on the people.

The honourable and learned gentleman had derived his arguments from historical precedents, some of which, however, had not been stated with his usual accuracy. He should take the liberty of following him shortly through some of his cases. To begin with the 4½ per cent. fund; it was undoubtedly true, as had been stated by the honourable and learned gentleman, that it was a subject involved in considerable difficulty and obscurity. It was true that Queen Anne, on the petition of the inhabitants of Barbadoes, had, at the recommendation of the House of Commons, given up her control over this fund; it was also true that the original grant to the Crown had been accompanied with a stipulation that it should be employed in the repairs of the public works of the island. But he believed that though this was the consideration of the grant, yet its origin was the giving up of some quit-rents, and the settling of a disputed title. It was true that Queen Anne, in answer to the application of the House of Commons for an annual account of the duties, promised to give directions accordingly. The result was, that this fund, which had formed part of the civil list of King William, did not appear in her civil list, and had not since appeared, except when called for from time to time by addresses of Parliament. The usage, however, of four reigns, a space of upwards of a century, established the existence of the property, and the custom and power of granting pensions on it were co-existent with the first mention of its origin. The

honourable and learned gentleman had asserted, that when a pension was to be bestowed for great public services, Ministers had no hesitation in coming to Parliament, because Parliament in such case had no reluctance in giving, but that it was the evil of those uncontrolled funds that they enabled the Crown to bestow secret bounties on obscure favourites. This was a singular character of a fund, one of the first names on which was the illustrious William Pitt, Earl of Chatham, and one of the last, Edmund Burke. He would not say any thing as to the deserts of either of these pensioners; but, as to the point of secresy, he would ask whether the names of William Pitt and Edmund Burke were not precisely those which were most known over the whole kingdom? And surely the Crown would not have granted pensions to those illustrious men on a doubtful fund, the title to which was likely to be disputed? The popularity, indeed, of Lord Chatham was so great, as to shut the eyes of the people, however illegal the title might have been. But it was not so with Edmund Burke: high as that great man stood in the admiration of Europe, he was not so generally popular at home; at the same time, he was of a size to attract universal attention; he had himself been a reformer of the civil list and of the pension list, and any grant made to him would be watched with peculiar jealousy. Must he not therefore himself have felt convinced that his pension was charged on a solid fund? If any gentleman wished to degrade that illustrious statesman, he left them to the consolation of such a sneer; but, for himself, he would say that the great man to whom he alluded was as far above ridicule as he was above praise. His reason, however, for alluding to him was, to show that he had deeply studied the subject of the Crown revenues; and knowing that his right to a pension would be disputed, he would not have accepted one on a fund, the validity of

which was not ascertained. The only objection, therefore, that could remain as to this fund, was its liability to abuse. Mr. Burke, when he was reforming the civil list, had examined its character and use; and, after the deepest consideration, had thought it best to leave it at the disposal of the Crown. As to its liability to abuse, from the concealment with which its proceeds might be distributed in pensions, he was ready to state, for himself and colleagues, that the amount of that fund and its application should be laid annually before Parliament, as matter of course, and without any previous motion. The honourable and learned gentleman had not explained how the Droits of Admiralty were to be administered except by the Crown. The right of the Crown to this property he would not now discuss, but only the mode in which it had been administered. In the course of the late reign, the whole proceeds of this fund had amounted to about £9,700,000. Out of this there had been paid to captors and claimants, and for various law expences, £5,372,000. There remained, therefore, something more than £4,000,000 to be accounted for. Out of that sum £2,600,000 had been contributed for the public service, and two several sums had been given—one in aid of the civil list, the other of the 4½ per cent. fund; the first of these contributions was £1,300,000, the second £40,000; there remained, therefore, about £380,000 to be accounted for. This sum had been paid partly in donations to different branches of the Royal Family, and partly in entertainments to foreign sovereigns. The expenditure, however, of the whole had been communicated to Parliament. It was true that the account had not been laid before the House as a matter of course, but in consequence of motion and discussion. He was ready, however, now to meet the honourable and learned gentleman fairly on this point; and he would tell him that it was part of the new

arrangement that an account of every grant out of this fund should, as a matter of course, and without address, be laid before the House in every session, immediately after such grant. So that the only distinction remaining between him and the honourable and learned gentleman, would be whether the grant should be discussed in the House in the first instance, and be conferred in consequence of a parliamentary vote; or whether it should first proceed from the Crown, and then be submitted to the cognizance of Parliament. He did not mean to say that this distinction was a trifling one, or one that did not deserve the most serious examination. All he meant to say was, that the Ministers of the Crown were not prepared to propose that a long and almost immemorial usage should be abolished without the most striking proof that such usage, though co-existent with the practice, was incompatible with the spirit of the Constitution. He came now to another part of the honourable and learned gentleman's speech, a part in which the honourable and learned gentleman must himself acknowledge, on mature reflection, he could not have spoken his genuine sentiments when he proposed the change which he did propose in the revenues of the Crown. The honourable and learned gentleman had admitted that there was no remarkable abuse in the application of the funds in question, and that many of the pensions would have been readily granted by Parliament. To Lord St. Vincent, Lord Nelson, the Duke of Wellington, Parliament would have granted pensions without any hesitation, according to the honourable and learned gentleman; but it would not be so with pensions for political services, if submitted to parliamentary investigation.

"The honourable and learned gentleman states truly (said Mr. Canning) what he says of those on this side of the House, and what I would say were I where he sits; but I

think it better that the patronage of the Crown should reward public services by property under its peculiar protection, than that a democratic assembly should dole out largesses and favours according to the impulse and force of passion, party, or canvass. We have had instances enough in our own memory of what party canvass can do. Setting on the one side the chances of favour, canvass, party, and inadvertency, on the other, the chances of extravagance, I do think the Crown the better trustee. I complain, therefore, of this part of the speech, because the honourable and learned gentleman is too well read in the principles and practices of popular assemblies to be ignorant of the change that would take place to the prejudice of the people and of public men, if he were taken at his word, and if this task of giving pensions for political services were abandoned by the Crown, and should fall into the management of this House: I complain that, for the sake of a rhetorical flourish, he had used such an argument, independently of the change which must attend its success. If the present state of the Droits in consideration is sanctioned by long usage, if it is not stained by abuse, and in the long period of sixty years the honourable and learned gentleman has hit upon only one questionable case, and that case questionable only in the view which he has taken of it; and I confess that I am not sufficiently acquainted with its circumstances to go into details; but when that pension was given it was discussed, and this House gave its opinion upon it: if in sixty years only one suspicious case can be found, then, in addition to usage, there is the recommendation of experience and practice not to depart from the course hitherto pursued.

" I come now to the more general argument, which I have already alluded to; it is, that in aggravation of funds being at the disposal of the Crown without previous sanction from Parliament, that for obtaining those funds, and for pecu-

niary purposes, the Crown is likely to conduct the country to war wantonly and lightly. I entreat of the honourable and learned gentleman not to concede any thing to the moral character of the Administration—I entreat of him not to concede any thing to the character of the existing Sovereign—and in a constitutional view, nothing of this kind ought to be conceded. The honourable and learned gentleman spoke properly of Charles II., for a king once departed from life is fair subject of animadversion. But I ask, whether, on the average virtue of kings and ministers, if you place four millions—and that is beyond any case that can be imagined—if you place four millions against all the evil, the danger, and the disgrace that must overwhelm them when the proceeding, perhaps in twelve hours after, becomes known to Parliament—I ask, whether, in such a case, any Administration would rush into war? I ask, whether, in times such as we live in, for the sake of any haul of Droits of Admiralty; I do not say the Sovereign—I do not say his Ministers; but whether the vilest mind that ever meddled with public affairs, or contemplated public administration, could recommend a wanton and unjustifiable war?

"So far as to the motive supplied by the Droits for going to war. Against this we can set on the other side the salutary practice of the Crown. During the long period of the last reign, only £9,000,000 have been accumulated. If we were to enter into the causes of war, we should find, not in one, in two, in three, but in many—in all cases, the arrangement which the honourable and learned gentleman opposes, and of which he wishes the contrary to be adopted, has tended to save the country from war. If the Droits were not committed to the Crown through the proper courts of law, but were submitted to Parliamentary controul, the difficulties of amicable adjudication would be increased

tenfold. The desire to hold the balance equal—and, if wrong was done on one side or the other, to make amicable reparation—would be counteracted by national heat, high and romantic honour, and other feelings, which would naturally prevail in an assembly like this. It would be impossible to avoid war. For the very purpose, therefore, of avoiding rash and unnecessary war, it is necessary to exclude such questions from the knowledge—that is, from the official knowledge—of Parliament, till every claim has been heard, and a final adjudication made.

If any private wrong should have been committed, if any inadvertent measure should have been adopted, not only the difficulty, but the inconvenience of retracing the first step, or of persevering in the course once hastily taken, would be increased by the change. If it were necessary to come down at once to Parliament, and state that so many ships had been captured, and were at the control of Parliament, the question would arise, was the capture just or unjust. If it should be judged unjust, the Administration would be condemned; but what has this to do in repairing the wrongs of a nation? If it were thought just, war must be entered into, although policy might dissuade strongly from war. No reason, then, can be found in the usage, in any constitutional defect, or in the application of the Droits for the change proposed. Every reason and every argument, arising from the first nucleus of their formation to the expenditure of the last farthing, distinctly shows that we should be wrong in changing the control of the Droits in question. In the hands of the Crown, then, they are best placed, to be exercised as every prerogative of the Crown ought to be—for the benefit of the people for whom the royal prerogatives exist. The only other argument for departing from usage on this subject is, that the whole department of the monarchy may be recast, and for the sake

of doing away with every vestige of feudal monarchy. That we could erect something new that would merit great praise, I am not prepared to deny. The new fabric might be clean and neat as the American Government, and intelligible as the presidency of the United States. But I am unwilling that every trace of antiquity should be done away in the British Constitution. Nothing is so easy as to frame a system that will look neater on paper—a system that, by stripping the King of all exclusive and princely ornaments, would render the Monarch and his Ministers, in dignity and form, what they are in reality, but in a more suitable and efficient character—the mere functionaries of the people. There is but one step further to complete the improvement; it is, as the King is paid a fixed and calculated salary, that Ministers be removed in form as they are in substance, as well as new Ministers appointed by this House. The Monarch would then be separated from all the darkness of ancient times; but I do not think that the admirers of Paine's plans would be satisfied with all this. I admit that the honourable and learned gentleman would be satisfied with seeing the Monarch thus stripped naked, but they would say that his salary was still too large."

He (Mr. Canning) did not think that they would be satisfied without removing all the lines of circumvallation, which, thank God, the arm of a traitor must pierce before the Constitution of this country would remove. The honourable and learned gentleman had amused the House by reading on the 7th head of the civil list many ludicrous charges. Much as he admired the talents of the honourable and learned gentleman, he thought they were here misapplied, for he answered all the observations of this sort when he admitted, at the conclusion of his speech, that he had not made up his mind whether the insulated King should have the control of his own household; whether the

various items of charge in that department should be audited by a committee of this House, or by the King himself. If the household were not given up to His Majesty's management, the civil list could be quoted and exposed to much greater ridicule than the honourable and learned gentleman had thrown upon the part he had selected. Unless the Monarch should be put on board-wages, and should dine in a chop-house, they must come to the monstrous conclusion, that there would be more dishes on his table than he absolutely required. If the King lived in this guilty state, and his expenses were audited by Parliament, there would be more ludicrous charges than those for the worthy vicar of the Tower, and the not less worthy keeper of the lions of the Tower.

Here the right honourable gentleman read rapidly from the civil list, "Oilery, grocery, lemons, fruits, and oranges, milk and cream, butter, cheese, and eggs, bacon, butcher-meat, poultry, fish, and vegetable, stationer, china, and brazier, cider, and brandy, beer, bread, and wine"—all those were detailed in that account, and must form part of the household charges.

On the subject of the household the honourable and learned gentleman ought to have made up his mind before he had brought forward this question; for it was as easy to do so on that subject as on the other points on which his motion was founded. When he had entered that House he had expected something more practicable from the honourable and learned gentleman than a proposal to strip the Crown, at one sweep, of a right that had adorned it since the Revolution; to divest the King of his peculiar power and privileges; to make the civil list less involved by making it entirely new. His proposal was as impracticable in its nature as it was undesirable in its effects. At

every former period the civil list was more obscure and complicated than the civil list now proposed. Considering, then, the greater complication of former times, and the greater intelligence of the present time, he did think, although they had not arrived at the *summum bonum* of the honourable and learned gentleman, that they had made considerable progress from obscurity and confusion, for every former report had been less intelligible than that of 1816. He did not think that by laying an estimate before the House of every item, they would give greater satisfaction to the country, or that they would allay the discontent of those who were now dissatisfied by putting forth the precise charges more distinctly. It was not necessary, for the purpose of satisfying the people of this country, to separate the Crown from its concomitants. Whatever illusion (or, if they would, delusion) there might be in such an opinion, he was not for stripping off from the monarchy every thing which rendered it respectable in the eyes of the country. He objected to the motion of the honourable and learned gentleman, because it was ill-timed and undeserved. If any new demands had been made, if any proposal had been presented that might lead to new burthens on the country, he could understand why, in the ardour of repelling such a sally, gentlemen should be carried, as it were, into the work itself. But when nothing was demanded; when the Sovereign, he would not say consented—declared that he would receive with gratitude and satisfaction the civil list that had been acquiesced in for four years; when this declaration was made, when the Sovereign expressed himself satisfied, and declared that he would have no reduction made upon any sums falling in to the country, what was the return? "Aye, but you have other funds, and we wish to have them taken from you; we wish you to be a

King after a new fashion; we require your allowances to be limited to your physical wants; we desire you to rival the President of America. Oh, incomparable temptation! But he would not be induced by this temptation to strip off trappings which were neither costly to the people, nor dangerous to the Constitution. Technically speaking, he admitted that this was a new reign. On other occasions there had been a sameness of office, with a change of persons; on the present occasion there was sameness of person with a change of office. The change was not so total as when one formerly a subject became the Sovereign; for it was only the investing with original sovereignty one who had exercised it in a vicarious character. It would be easy to show that the difference of claim ought in this case to be the other way. They (the Ministers) adhered to the pledge given, and nothing was asked; but nothing could be more natural than that he who became King from being Regent should consider himself entitled to some augmentation. But no augmentation was asked. And here he would state that the idea of any augmentation of the civil list was never contemplated for a passing quarter of an hour, and never for one moment intended. This he thought it necessary to state distinctly, because a report of a different kind had gone abroad. He hoped that the House would take the opportunity of availing themselves of the confidence expressed by the Sovereign—that they would not reject his demands—that they would not seek to strip him of his rights—that they would not stoop to consider whether they could save by his promotion. He certainly did not mean to treat with any disrespect the motion of the honourable and learned gentleman, and disclaiming any such motive, he should conclude with moving, that the other orders of the day be now read.

The question being put "That the other orders of the day be now read."

The House divided—

Ayes	273
Noes	155
Majority against Mr. Brougham's motion	118

THE KING'S MESSAGE RESPECTING THE ARRIVAL OF THE QUEEN.

JUNE 6th, 1820.

Lord Castlereagh presented the following message.

"George *R.*

"The King thinks it necessary, in consequence of the arrival of the Queen to communicate to the House of Commons certain papers respecting the conduct of Her Majesty since her departure from this kingdom, which he recommends to the immediate and serious attention of this House. The King has felt the most anxious desire to avert the necessity of disclosures and discussions which must be as painful to his people as they can be to himself; but the step now taken by the Queen, leaves him no alternative. The King has the fullest confidence that, in consequence of this communication, the House of Commons will adopt that course of proceeding, which the justice of the case, and the honour and dignity of His Majesty's Crown may require.

"George *R.*"

The Message having been read by the Speaker, Lord Castlereagh laid on the table of the House the papers referred to in the said Message, sealed up in a green bag, and moved, "That a humble Address be presented to His Majesty to return His Majesty the thanks of this House for his most gracious Message, and to assure His Majesty that this House will proceed to take the same into their immediate consideration," the motion being agreed to, the noble lord next moved, "That His Majesty's Message be taken into consideration to-morrow."

The motion was agreed to, and on the motion of Lord Castlereagh the papers were ordered to be kept in the custody of the clerk of the House.

June 7th, 1820.

SECRET COMMITTEE ON THE PAPERS RELATING TO THE CONDUCT OF THE QUEEN.

The order of the day for taking His Majesty's Message into consideration, and also the Message itself, having been read—

Lord Castlereagh moved; "That the papers, which were yesterday presented to this House by Lord Viscount Castlereagh be referred to a select committee, to consider the matter thereof, and to report the same, with their observations thereupon, to the House."

Mr. Canning* declared, that as he had never risen to deliver his sentiments on a subject of so much delicacy and interest as that before the House, so had he never before been called upon to discharge a duty to himself so painful and embarrassing. The occasion out of which the necessity for performing this duty arose, and the circumstances connected with it, were of a nature as novel as they were delicate. He had listened with the greatest attention to the speech

of the honourable and learned gentleman who had just sat down. In every syllable uttered by the honourable and learned gentleman respecting the mischief likely to result from the inquiry into which they were now unhappily forced, he entirely concurred. It was utterly impossible that such an inquiry should turn to the advantage of the country, or of the parties whom it immediately concerned. The dearest interests of the country, and the character of the most illustrious personages whom it contained, were undoubtedly involved in the proceeding. But having said this, he must follow it by saying that from all that part of the honourable and learned gentleman's speech which went to impute to His Majesty's Ministers the responsibility of forcing on this inquiry, he utterly and wholly dissented. In taking up the challenge which the honourable and learned gentleman had thrown down on this subject last night, he was fully prepared to show, not only that His Majesty's Ministers did not voluntarily come down to Parliament to originate this inquiry as matter of choice; not only that they had not sought the occasion for it; not only that they had deprecated it with all their hearts; but, that they had interposed every possible expedient to prevent the occurrence of a calamity which they were anxious with all their power and all their means to avert.

The honourable and learned gentleman would allow him to oppose, not hostilely, but in contrast with those professional feelings which the honourable and learned gentleman had so much to his honour assumed to himself—feelings on his own part, of as deep and forcible a nature—with reference to those illustrious persons who were most immediately interested in the proposed inquiry. He must declare, individually for himself, that in all the discussions which had preceded the unfortunate crisis to which matters had at length unhappily arrived, he had looked at the whole case

with as much solicitude, and as much pain, as if it had arisen from a difference between his dearest friends, and between parties with both of whom he was himself equally connected. On the one hand, to the Sovereign whom he served he owed the duty of a subject and of a councillor; on the other hand, to the illustrious personage who was the remaining party to the discussion, he owed, and he paid, not only that public respect which was due to her station, but from private feelings and the remembrance of kindnesses experienced in former times, gratitude, and (if he might presume to use such a word in speaking of so high a personage,) affection. The wish nearest his heart had been that this extremity could have been avoided;—his next wish was that which must be the wish alike of all the country, that Her Majesty might come out of the inquiry with honour to herself, and satisfaction to her friends.

He would now proceed to make good the declaration with which he had set out, namely, that His Majesty's Ministers had not sought this crisis, but on the contrary that they had done every thing in their power to avert it. Before His Majesty's Ministers were charged with pressing this question, let the House do them the justice to remember how often, at an early period of the session, they had borne the taunts of the right honourable gentleman opposite (Mr. Tierney), who, not once only, but on every occasion that he could find, pressed the name of the Queen, her situation, her allowances, and the reports which prevailed respecting her, on the attention of the House, and called upon Ministers for an explanation of their intentions respecting Her Majesty. He did not mean to say that those taunts had been thrown out, or those calls made upon Ministers unfairly. The right honourable gentleman might say, if he pleased, that he was only discharging his duty as a member of Parliament, when he declared that no parliamentary provision

should, with his consent, be made for the Queen, until her character was cleared, not from accusation (for there was none), but from common report; but he was sure the House would recollect how often, how steadily, how perseveringly His Majesty's Ministers had borne the right honourable gentleman's provocations to come to a definitive declaration with regard to the Queen; how often they had turned a deaf ear to the right honourable gentleman's ingenious dilemma—(that figure which, however captivating and effective in rhetoric, was so frequently found to be, with reference to human affairs, most fallacious) "Either the Queen is innocent, and then she ought to enjoy all her rights and privileges, or she is guilty, and in that case I, for one, will not consent to vote her one shilling of the public money." How often had this argument been forced by the right honourable gentleman on the unwilling attention of His Majesty's Ministers; how often had they been told by the same right honourable gentleman that any attempt at compromise would be an insult to the King, or an injury to the Queen (another awful and inevitable dilemma!); and yet how obstinately had they, in spite of this dilemma, refused to enter into the so much invited discussion! And whence arose this obstinacy? whence but from an earnest desire, a strong and sincere hope, that the existing differences might be accommodated so as to avoid the necessity of discussion? After this, it was surely a little too much to be told by those who sat at the elbow of the right honourable gentleman, that they (the Ministers) were the provokers of inquiry; and that but for them all might have passed smoothly and silently, without public notice, or parliamentary observation! He begged the honourable and learned gentleman (Mr. Brougham) not to mistake him. He did not mean to say that he (the honourable and learned gentleman) had been any party to those taunts and chal-

lenges of his right honourable friend. The honourable and learned gentleman, on the contrary, had always been a most anxious friend to compromise, and had laboured for the prevention of that public inquiry which the right honourable gentleman deemed so indispensable. When the right honourable gentleman had so repeatedly told the House that inquiry could not be avoided, for that rumours were abroad so injurious to the honour of the Queen, that without prior investigation, no money could be voted without a sacrifice of the interests of the people, and the dignity of Parliament, the honourable and learned gentleman had undoubtedly taken part against the right honourable gentleman: and with the honourable and learned gentleman, therefore, on that point, he (Mr. C.) had no fault to find; but he had a right to find fault with him for the injustice of which he had been guilty that night, in heaping upon the Ministers of the Crown those charges of prurient curiosity, and inconsiderate disclosure, the guilt of which, so far as provocation and intention went, belonged (as he well knew) not to him, but to the right honourable gentleman.

The honourable and learned gentleman thought, and Ministers most cordially coincided with him in thinking, that if it had not been forced upon them by a paramount necessity, it would have been most desirable to avoid all discussion of the subject now unhappily under the consideration of the House. The honourable and learned gentleman well knew—no man had better reasons for knowing than he—that it was the policy of the Government, even if it had not been their feeling, but that it was their feeling as well as their policy, to consult the public good, by shunning, not only all public inquiry, but all public discussion on this subject. He knew—no man better—that it was their absolute determination to avoid it. He knew—not a member of the Government knew so well as he—that they had eagerly

caught at every expedient, at every chance, of averting the calamity which was now fallen upon them and the country. He knew that the acceptance of his services, that the opening of the negociation which he was commissioned to conduct, had that sole object in view, and that for the accomplishment of that object, which they relied on his exertions to accomplish, they felt as strong an anxiety as himself. But then the honourable and learned gentleman accused His Majesty's Ministers of having contributed to the defeat of that negociation by having made an offer so revolting to Her Majesty's mind, and including in it propositions so incompatible with her feelings, that he could not for a moment think of advising Her Majesty to accept it; and the honourable and learned gentleman had also told the House, or rather had insinuated (he wished the honourable and learned gentleman had spoken more distinctly) that he could have proposed certain modifications which he thought might have made the offer acceptable. Why, in the name of God, did not the honourable and learned gentleman suggest them? Why, instead of the premature and garbled statement which had found its way to the public, were not theses modifications brought forward?

He wished the honourable and learned gentleman was now present [Mr. Brougham had left the House a few minutes before], for it was desirable, in stating facts, to state them in the presence of the party interested in them; but, as the honourable and learned gentleman was not in his place, he (Mr. Canning) would for the present address himself to another part of the subject until the honourable and learned gentleman's return.

He understood, from what had been related to him of the proceedings in the House last night (when he happened not to be in his place), that other honourable gentlemen had advanced an accusation against His Majesty's Ministers,

which, to do the honourable and learned gentleman justice, he had just now contributed in a considerable degree to answer. It had been urged that the pecuniary offer which had been made to Her Majesty, contained in it something very censurable. On this point, too, recourse had been had to the favourite but fallacious form of a dilemma. "Either," it was said, "Her Majesty is innocent, and has a right to all the state, and privileges, and establishments of a Queen consort; or she is guilty, and then £50,000 a year of the public money would have been thrown away upon her." And this prodigality, it was further added, was to be carried into effect without the previous consent, and consequently in defiance of the authority of Parliament. This, however, was quite a false view of the question. He contended, in the first place, that the offer did not trench upon the rights of Parliament; for the Executive Government only made this, as they must make every proposition for a grant of public money, as that which they were willing to recommend to the House of Commons, but subject to the approval, and of course, invalid without the sanction of Parliament. Every treaty of subsidy, every contract for a loan, was made upon precisely the same principles.

But further, he undertook to show, that if any thing at all was to be granted to the Queen, whether at home or abroad, the sum of £50,000 a year was the precise sum which there was every reason to believe Parliament could not but approve. For a Queen, in full possession of her state they might do more; but for a Queen in a state of separation they could not do less. In this respect Ministers had no insufficient indications of the sense of Parliament to guide them. For, first, by the treaty concluded on the marriage of His Majesty, when Prince of Wales, with the Queen, a jointure of £50,000 a year, was settled on

Her Majesty, as Princess of Wales, in the event of her surviving her royal husband. It was true that the precise case contemplated in that provision had not occurred; but, in equity, it must be allowed that His Majesty's Ministers in proposing a provision for the Queen in a state of permanent separation, could not go below that sum, which four and twenty years ago had been considered a proper provision for Her Majesty, in the event of her becoming the widow of the Prince of Wales. Secondly, in the year 1814, when, after long discussion in that House, the Princess of Wales's income was settled, preparatory to her leaving the country, what was the amount proposed at that period? The House, recognizing the former settlement, and thinking the amount of jointure that had been stipulated for, the proper sum for a state in some degree analogous to that of widowhood, agreed to vote Her Royal Highness the sum of £50,000 a year. It was true that Her Royal Highness, acting under the advice of those who at that time conducted her affairs, declined receiving so large an income, and voluntarily diminished it by £15,000; but surely it could not be imagined that His Majesty's Ministers, in fixing a provision for Her Majesty's life, would have acted right if they had taken advantage of her voluntary generosity on that occasion, and limited their proposal to the diminished sum. His Majesty's Ministers, therefore, had offered to the Queen that which Parliament had in two preceding instances recognised as a sum not too large for her allowance—they had offered a sum, from which, on a former occasion, near one third part had been abated by Her Majesty's own act, and which, therefore, would not be supposed inadequate to Her Majesty's wants and wishes. It was that, therefore, which they had every reason to believe that the Queen would accept, and every reason to

believe that Parliament would sanction with their approbation.

But then it was charged that this offer was coupled with conditions which rendered it unlikely to be accepted. These conditions, it had been stated, were—first, that Her Majesty should not reside in England; secondly, that she should relinquish the title of Queen. Both those conditions had undoubtedly been stated to Her Majesty—but the latter not exactly in the way in which it had been represented to the House. The remaining abroad was clearly taken for granted; and it was so in pursuance of the policy that originally led Her Majesty to take the decisive step of quitting the country, in the year 1814. He remembered well the part which the right honourable gentleman opposite (Mr. Tierney) had taken in the discussion of that time. The bill brought in in 1814, originally went to settle an annuity of £50,000 on the Princess of Wales, in a state of recognised and permanent separation from her husband. That provision was proposed to be extended to the term of Her Royal Highness's natural life. The proposition was represented by those who brought it forward, and accepted on the part of those who were the champions of the Princess of Wales's interests, as the conclusion and winding up of the affairs of the Princess of Wales, which were not to be heard of in Parliament again. But after the bill had been brought into the House, it underwent two most important alterations. In the first place, as he had already remarked, Her Royal Highness had expressed a wish that the provision proposed by His Majesty's Government should be reduced from £50,000 to £35,000; in the second place, the right honourable gentleman opposite (Mr. Tierney) suggested an alteration in the duration settlement, which was originally for the life of Her Royal Highness, by which it was limited to the life of the late King. Unfortunate amendments, as

it turned out, particularly the latter, to which, and to which almost entirely was owing the necessity of now discussing the pecuniary affairs of Her Majesty, and therewith the whole of her situation! Had it not been for that alteration the pecuniary affairs of Her Majesty would have been settled, not merely during her continuing Princess of Wales, but during her life. There would then have been no unavoidable necessity for bringing Her Majesty's name before the House of Commons. And had it been matter of choice on the part of His Majesty's Ministers, then indeed would they have rendered themselves liable to some part of the imputations so lavishly thrown out against them. But it was the right honourable gentleman's (Mr. Tierney's) unfortunate amendment of 1814, which (not designedly he was willing to believe) had laid the ground of that urgent and unavoidable necessity, to which, and to which alone, (he would repeat) they were indebted for the present discussion. When Her Majesty ceased to be Princess of Wales, she ceased, by the right honourable gentleman's amendment, to have any provision whatever. It became necessary that a provision should be made for her; and the same right honourable gentleman had never lost an opportunity of telling them that in making that provision, her whole situation must be revised. No consideration would have induced His Majesty's Ministers to moot that question so long as it was not absolutely unavoidable; but they knew that they were no longer masters of their own conduct, when it became necessary to enter into a discussion of the pecuniary subject. It would then have been in the power of any member of the House to force on the whole subject; and they had ample warning from the right honourable gentleman, that it was his determination to do so. So far were they (the Ministers) from precipitating such a discussion, that their whole endeavour was to avoid

it. In the event of an amicable termination of the negociations which had been opened with Her Majesty, they would have done their best to resist the right honourable gentleman's endeavours to force the subject into discussion, and he trusted they should have resisted with success. But, alas! their endeavours had been frustrated, they had been forced by circumstances which they could not control, to bring the whole case into open discussion themselves; and he did not hesitate to say, that this result was a disappointment as unexpected and as severe as ever dashed the cup of hope from the lips of sanguine expectation.

As the honourable and learned gentleman had returned to his place—[Mr. Brougham had re-entered the House]—he would now resume the argument which, as it personally affected that honourable and learned gentleman, he had broken off when he noticed his absence. The honourable and learned gentleman had declared it to be his opinion, that the terms which had been offered to the Queen by His Majesty's Government, were such as Her Majesty could not possibly accept. He would do the honourable and learned gentleman the justice to express his belief that he went to the management of the negociation in question with as sincere a desire to bring it to an amicable conclusion, as influenced those by whom it was originated. He wished to set out with this acknowledgment, the rather because that which he had further to say on the subject was of a different complexion. What he complained of in the conduct of the honourable and learned gentleman was this, that if the honourable and learned gentleman saw in the terms proposed by His Majesty's Government, any thing so objectionable as to make it clear at the first blush that they could not be accepted, it was to be regretted that he did not point it out before he left England; and the more so, as it appeared from the honourable and learned

gentleman's own avowal, that he did not wait for the expression of the Queen's indignation, but at once anticipated it by the expression of his own. It was unfortunate, that of this indignant flame which broke out at St. Omer's, no spark had been previously visible in London. For his part, he had confidently believed that the honourable and learned gentleman went to the continent not only (as he had already said) with a sincere desire to forward the negociation, but with a reasonable hope of bringing it to a happy conclusion; and he never in his life was so much—not disappointed only, but surprised, as when, on coming to town on Monday, he had learnt that the negociation had failed. The honourable and learned gentleman had acquitted His Majesty's Government of any blame in the pecuniary part of the offer. He had admitted that no disrespect had been shown to Parliament, and that £50,000 was the very sum that ought to have been proposed. But it seemed that the renunciation of the title of Queen was that which could not be asked without offence; and the honourable and learned gentleman rejected the explanation of his noble friend with respect to the light in which that sacrifice was called for. In the memorandum which had been put into the honourable and learned gentleman's hand, as the basis of his communication to the Queen, (and there was no other basis or communication whatever intrusted to him or to any other person) in that memorandum there was an explanation of the sense in which that condition was intended, which ought to have satisfied his mind, at least, of the absence of any disposition to rob Her Majesty of any of her substantive rights. There was not the slightest design to take any of them away. In the letter which had recently been published, the phrase that Her Majesty should *renounce* all claim to the title and dignity of the Queen of England was undoubtedly to be found. In this

there was a misconception; the real proposal was, that Her Majesty should use some other name than that of Queen of England. Gentlemen seemed disposed to confound the expressions, but they were widely different and distinct. Was it not a common practice with sovereigns, when absent from their own dominions, to assume an *incognito* and drop the style of monarchs? It had never been understood that the Emperor of Russia, when travelling through Germany under the title of Count—he recollected not what Count—had renounced the title, much less the rights of Emperor. Nor would Her Majesty have been less essentially entitled to whatever may be her rights as Queen Consort, than she could have been to those of Princess of Wales, if travelling under an assumed name. Indeed, as it had been stated by his noble friend, there were some rights which Her Majesty, as Queen of England, could not renounce without the consent of Parliament. There were undoubtedly others from the exercise of which, under the plain and notorious circumstances of her situation—her absence from this country, and her separation from the King—it might be not only uninvidious, but highly proper to ask Her Majesty to forbear. Residing abroad it could not, for instance, be expected, nor surely could it be desirable for Her Majesty, that she should appoint chamberlains, officers, maids of honour, &c. at home. But, on the other hand, it never was in contemplation to strip her of any rights or privileges essential to her interest, much more to her defence. The appointment of law officers was, for instance, studiously reserved to her, a proof of the jealous attention with which it was intended to avoid trenching on any of Her Majesty's material patronage. The whole purport, in short, of the proposed arrangement was, that Her Majesty should retain the power of making every appointment necessary for a Queen remaining abroad, and

merely to induce her to abstain from the exercise of such part of her royal privileges as would be requisite only in the event of the Sovereign's residence in this country. The honourable and learned gentleman had said that Her Majesty had been required not only to renounce her title of Queen of England, but to abstain from using any name belonging to the Royal Family. Of such a stipulation, or of any thing that could in any way be construed into a hint of such a wish, he, (Mr. C.) averred that he knew nothing. It might have been an inference drawn by the noble lord who accompanied the honourable and learned gentleman to the continent, from something that might have passed in conversation between them; but he could most confidently assure the House that no such restriction was ever in the contemplation of His Majesty's Government; and he was sure the honourable and learned gentleman would not find it in the memorandum to which he had before alluded, and which he repeated was the only authentic document of which the Government had any knowledge. It and it only, contained the propositions which they authorised to be submitted to Her Majesty.

In truth, His Majesty's Government were placed throughout this discussion in a situation of peculiar difficulty and delicacy, a situation out of which he did not know how they could fairly extricate themselves. They had been asked how it could enter into their minds to make such propositions as they had made to Her Majesty, and how they could suppose that those propositions would not be indignantly rejected? He confessed that they had been guilty of one false step, which had led to the embarrassments that he had described. Early in these proceedings they had been induced to receive a communication under the seal of secresy, the nature of which obligation prevented him from mentioning to the House either the quarter

whence it came, and the precise nature of its contents. But, when goaded by charges of wanton and unnecessary insult towards Her Majesty, he felt it necessary—no breach of an obligation in its very essence conditional—to declare that they had been led to make these propositions by a confident expectation that they would be well received. What would the House say, when they were told that so long ago as July, 1819, a statement had been given to His Majesty's Government, in which every one of the propositions which had been made to Her Majesty had been suggested? What would they say when he fearlessly asserted that there was not one proposition made to Her Majesty—no, not one that had not its prototype in that suggestion? What would they say upon hearing that this suggestion, thus offered to His Majesty's Government for the guidance of their conduct, proceeded from a quarter which, though he by no means intended to intimate that it in any degree committed the illustrious person in question; yet he must plainly say, was one from which could not be expected to emanate any thing in the smallest degree disparaging to Her Majesty. If any one who had heard him knew any thing of this paper, he appealed to that individual's own conscience for the perfect fairness with which His Majesty's Government had acted upon it. And from whatever quarter the communication to which he alluded had come, he affirmed, upon his honour, that His Majesty's Government had conscientiously understood that when they made the propositions which it suggested, they would be fairly met, and not improbably would be accepted. He again guarded himself against being supposed to insinuate, that the illustrious personage to whom those propositions referred was in the remotest degree implicated in that communication; but the opinion of those who made it could not be mistaken, and upon their opinion the Government thought, and had reason

to think, they might rely. When the negociation failed, although he might very well understand the lively, though (to say the truth) unexpected indignation of Her Majesty, he was utterly at a loss to understand the precedent indignation in any other quarter. The honourable and learned gentleman, for instance, went to the Queen (he had already more than once admitted that he did so) anxious to bring the negociation with Her Majesty to a satisfactory conclusion. He (Mr. Canning) was indeed astonished when he heard that the negociation had failed; but what he considered still more extraordinary were the surprise and indignation which had been expressed by the honourable and learned gentleman.

But, leaving all external considerations, and examining the question on its own merits, he would beg leave to ask what reason there had been to anticipate a failure? Why should it be concluded that a proposition requiring the Queen to reside abroad must of necessity be rejected by Her Majesty? In 1814, when he was unconnected with the Government, and when he had the honour to have frequent intercourse with the illustrious lady in question, she did him the honour to ask his advice, upon a project which she had then formed of going to reside on the continent. He had avowed then what he avowed now, that, considering all the circumstances of her then situation, the settlement that had been made upon her, the separation, founded on the state of incurable alienation, hopeless of reconcilement, in which she and her royal husband were placed towards each other; a separation which had been sanctioned and confirmed by the King as the father of his family; and subsequently recognized by Parliament in the arrangement of her separate income, she would act most beneficially towards herself by going abroad, and living with her own family at Brunswick (as Her Majesty ori-

ginally intended), or in any other society in Europe, of which she might be the grace, life, and ornament. If he thought this the best advice which he could give the Princess of Wales then, he thought it the best advice he could give Her Majesty now. That opinion he should have entertained in 1814, and it would remain unchanged now, were the party to whom it was given so circumstanced as he had described, one to whom he was bound by the dearest ties. If the reasons of that opinion were changed at all, it was only by having acquired new force since 1814. In 1814 he had given Her Majesty that advice, because, in addition to the considerations arising from the hopeless separation which existed between her and her royal husband, he saw that faction had "marked her for its own." He saw that there would be neither comfort nor tranquillity for Her Majesty in this country. Of fascinating manners, of easy access, of an open, generous, and unsuspecting disposition, she would insensibly have become the rallying point of disaffection, and of political intrigue. If Her Majesty were now to remain in the country, she would now, as in 1814, become the rallying point of disaffection and of political intrigue. He repeated the words, advisedly. What he thought in 1814 he thought now; and he would ask, were there no symptoms already apparent that now, at least, his apprehensions were not ill founded? He gave, in 1814, the advice which he considered no less beneficial with reference to the Princess of Wales's own happiness than to the tranquillity of the country; and he again asked the House if there was any reason to suppose, from recent occurrences, that at the present moment Her Majesty would be less likely to risk the sacrifice of her own peace by being such an instrument in the hands of those whose designs were directed against the peace of the country?

But, whatever might be the motive or the value of his opinion on that occasion, as Her Majesty had decided in 1814 to live abroad, what reason was there for supposing that a proposition to continue to live abroad would now be unpalatable to Her Majesty? Did not the same state of separation exist between Her Majesty and her royal husband? Could any one doubt that a residence abroad would now, as then, be most conducive to Her Majesty's happiness. But the honourable and learned gentleman had urged against His Majesty's Government, that Her Majesty was required to take an *incognito* title. So far, however, was such a proposition from being justly liable to be considered an affront, that it was distinctly suggested in the communication to which he had already alluded as having been made to his Majesty's Government in July last;—nay, that communication went further, for it specified the particular name that Her Majesty might assume. How then could His Majesty's Ministers possibly expect that this proposition, of all others, should excite in any quarter either surprise or indignation? The negociation had, however, unfortunately failed. For this result no blame attached either to the honourable and learned gentleman or to the noble lord who accompanied him to the continent. He had no doubt that the failure was attributable to a fixed determination taken before their arrival, on advice, which, if it had not proceeded from bad intention, was certainly not characterized, to use the honourable and learned gentleman's expression, by "absolute wisdom." That advice, and the consequent failure of the negociation, had forced His Majesty's Government to appeal to Parliament. If, indeed, the result of the negociation had been communicated to His Majesty's Government alone, and if it had been accompanied with a statement of the modifications of which the honourable and learned gen-

tleman had that evening spoken, as in his contemplation to propose, undoubtedly the present proceeding would not have been precipitated. But before the receipt of any authentic communication from St. Omer's, on which it was possible for the Government to act (if there had been still room for further negociation), disclosures had been made in newspapers which tended to excite the greatest irritation throughout the country, and the whole affair was completely decided by the absolute arrival of the Queen in England. The reference of this distressing question to Parliament then became unavoidable. Nothing but the being thus forced to proceed would have induced His Majesty's Government to depart from the system they had so long and so earnestly pursued. He came now to the most painful part of the subject. It was asked why did the Queen's actual arrival in England precipitate matters so as to occasion an appeal to Parliament? Was it a crime to come to England? No such thing. The coming to England was a claim to be re-instated in all the rights and privileges of the station of Queen. And there was no longer any option, except between the immediate acknowledgment of all those rights and privileges, or a statement of the grounds on which any of them were withholden. It was impossible that the making that option one way or other should be deferred a single day. This was the issue which he had always deprecated, which he now deplored, and which, in common with his colleagues, he had exhausted every effort to avoid.

So long as the late King was upon the throne, and Her Majesty remained Princess of Wales, there was no occasion for any new proceedings, nor could the coming of the Princess of Wales to England necessarily have stirred any question: as it would have implied no claim, there could not have been any pecuniary grant to propose to

Parliament; nor any new rights and privileges to recognize or qualify, on the part of the King. But the accession of his present Majesty made it impossible to stand still; something was necessary to be done; and while His Majesty's Ministers were endeavouring to obviate the difficulties of the case in the best possible manner, the present perplexing calamity had fallen upon them and upon the country. With respect to the alteration that had been made in the liturgy, he admitted that it would have been a wanton insult and an act of injustice to have gone out of the way to make such an alteration when no alteration was requisite. But on the commencement of the new reign it became necessary to make some alteration, and when it was considered that the new arrangement was adopted under the understanding that a final separation, and a residence in different countries were settled points, he would ask in what the alteration could be deemed offensive? Alterations had been made in the liturgy in former times, which, though directly personal to branches of the royal family, had not been deemed matter of personal offence. The Duke of Cumberland had been prayed for in the reign of George II. but the practice of praying for him by name had been discontinued on the accession of George III. in consequence, no doubt, of his altered relation to the throne. The omission of Her Majesty's name in the liturgy was not an isolated measure (in which case it might have been objectionable), it formed a part of the general contemplated arrangement. The decision upon it was made on the same day as the decision on the general propositions to be submitted to Her Majesty; the substance and effect of which, as a whole, undoubtedly was, and was acknowledged to be, confirmed and permanent separation and residence abroad. Taken in conjunction with those conditions the omission from the liturgy was (as it had been justly characterized

by others, no way inimical to the Queen) a neutral measure. For, while it was believed that those propositions tendered to Her Majesty would be accepted, the insertion of the Queen's name and title in the liturgy would have been incongruous with the position in which such acceptance would have placed her.

In offering those propositions, His Majesty's Ministers—for the reasons which he had already stated—had conscientiously believed they would be agreed to; and sure he was, that if they had, the best interests of the Crown, and of the country, and the tranquillity of the illustrious person more immediately concerned, would have been most truly consulted.

He hoped he had now cleared His Majesty's Ministers from the charge against which it had been said they must prepare to defend themselves; and now the only painful task that remained for him, was to explain the grounds of his vote on the dreadfully important question of that night. He agreed with the honourable and learned gentleman, that in the history of the country there was no case precisely analogous to the present. That acknowledgment and that fact ought to bespeak the candid indulgence of the House, for the unprecedented difficulty of the situation in which His Majesty's Ministers found themselves. Where there was no precedent, however, the supply of that deficiency must be sought in the spirit and general practice of the Constitution; and what was that spirit and that practice? Whenever the Crown found itself in a crisis of extraordinary difficulty, the spirit of the Constitution directed a resort to Parliament; and when did Parliament on such occasions refuse their advice, counsel, and assistance? Such was the spirit and practice of the Constitution, and such was the nature and the principle of the proceeding to which His Majesty's Government now had recourse.

The honourable and learned gentleman had found fault with that part of his noble friend (Lord Castlereagh's) speech, in which his noble friend had compared a committee of that House to a grand jury, and had observed, that grand jurors were always sworn. In that respect, certainly the members of that House could not be made to resemble the members of a grand jury; and therefore, if it were fitting that the matter in question should be at all submitted to the House of Commons, the ceremony of an oath must be dispensed with. But the honourable and learned gentleman was of opinion, that Government ought rather to have at once come forward with a Bill of Pains and Penalties; and on their own responsibility, and without consultation with either House of Parliament, to have become Her Majesty's accusers. He (Mr. Canning) for one, so help him God, would never place himself in the situation of the public accuser of that individual. But what, according to the honourable and learned gentleman's own showing, would have been gained by that mode of proceeding? The honourable and learned gentleman had professed that he should consider the report of the committee as of no authority, because the committee would be in effect nominated by His Majesty's Ministers. What authority then would the honourable and learned gentleman have been disposed to allow to an accusation emanating directly from His Majesty's Ministers themselves? Even under the circumstances which had overwhelmed all the efforts of Ministers to avoid this discussion, he was at a loss to see the obligation upon them to become public accusers. Their efforts in the spirit of peace and conciliation had failed; but before a Bill of Pains and Penalties, or any other decisive measure, assuming guilt as its foundation, was introduced, the Ministers thought it right to communicate to Parliament the whole of the materials of which they were

themselves most unwillingly in possession, and to take whatever chance there might be that Parliament might reverse their opinion, and decide that there was no ground now for inquiry. Would that decision be open to Parliament, if His Majesty's Ministers had prejudged the question so far as to bring forward an accusation? Would Parliament even have entertained such an accusation in the shape of a Bill of Pains and Penalties, without insisting upon ascertaining, by a committee of their own, whether there was any ground for such a measure? And would not, therefore, the very proceedings which the honourable and learned gentleman now recommended have been such, to an absolute certainty, with the very motion for a committee which he now so strenuously reprobated? His Majesty's Ministers could do no otherwise than appeal on this terrible question to Parliament. If they had attempted to take a shorter course, Parliament would have tried then to abandon it. How the House of Commons would deal with the appeal now made to it—whether by secret, or by open investigation, was now the question to be determined. If the former, there might be yet one chance—whatever the value of that chance might be—that the further proceeding might be averted. In the latter case publicity would be given at once, to all the grounds of charge against Her Majesty; and then a complete investigation would become a matter of justice to Her Majesty. For this reason, he much preferred the proceeding in the first instance by a secret committee. If the secret committee reported that there was ground for crimination, then undoubtedly to the public the whole question must come, and opportunity must be given to the illustrious individual to confront her accusers, and to detect the infamy, if infamy were justly imputed, of the evidence on which the charges against her rested.

His first wish had certainly been that this investigation

might be averted; his next wish was, that Her Majesty might pass through the approaching ordeal triumphantly. Never, in public life, nor in a private capacity, had he felt such difficulty as in the present question. He hoped the House would pardon him for speaking of his personal feelings. Had it been in his power to avoid the call of duty, he would rather have been any where than where he was, when the subject first came to be agitated elsewhere, and during the present debate. Towards the illustrious person who was the object of the investigation, he felt an unaltered regard and affection—if he might use, without impropriety, so ardent a term. Gladly would he have rendered her any service; and there were no efforts he would have spared, no sacrifices he would not have made, to have prevented the necessity of such a proceeding as the present against her.

If there had been any injustice meditated towards Her Majesty, no consideration on earth should have induced him to be a party to it, or to stand where he at that moment stood. Yet, on the fullest consideration, he had not thought that he should act honestly if he suffered his private feelings to prevent the discharge of his duty to his country, and to his Sovereign. From all he had observed, the proceeding hitherto had been just and honourable; and he could not have withdrawn from his official situation without giving rise to the most injurious suppositions of a contrary character. By saying that the proceeding was just, he by no means intended to pronounce any opinion as to the validity of the charges. That was a matter for subsequent examination—and not to be prejudiced by individual opinion. What he intended to express was his entire conviction, that the proceeding was instituted only because it could not be avoided; and that there was no other motive for it than public duty—no other

object in it than a sincere desire to elicit the truth. It was but justice to those with whom he had the honour to act, to say, that they had undertaken the painful task only from a sense of what was due to the Sovereign, to the country, and, under the circumstances of the case, to the illustrious individual immediately in question.

How happy would they have been, if, by a favourable result of their efforts at accommodation, they had been enabled to spare all these interests, and, what was of no less importance, as the honourable and learned gentleman had justly remarked, to spare the national morals the shock, and the taint of such an inquiry! It was not their fault that these earnest efforts had failed. All that had been done by the Government with reference to Her Majesty had been done in the spirit of honour, candour, justice, and feeling. If he had observed the existence of any other disposition, no consideration on earth, he solemnly repeated, should have tempted him to become a party, or to remain a witness to it. His Majesty's Ministers had all alike been animated by the same zeal to avert the necessity of such a discussion as the present. But (such were the mean agencies that sometimes controlled human affairs) all their efforts had been rendered fruitless—he would not say by the evil intentions—but by the weak judgment of certain indiscreet individuals who had displaced Her Majesty's more sober advisers.

If any sacrifice on his part could have averted this calamity, if any sacrifice on his part could now avert this calamity, he would willingly retire into the most insignificant station. He saw there was something that seemed to delight the honourable gentlemen opposite in this declaration. Certainly he knew that it had been one of the common-place topics of the honourable gentlemen's speeches, that His Majesty's Ministers were clinging fast to their places,

and that out of their adherence to those places the present communication to Parliament had arisen. The honourable and learned gentleman, however, was well aware, that such a charge was not well founded; the honourable and learned gentleman knew that His Majesty's Ministers possessed the means of refuting it. He repeated, then, that if the present had been a case in which any preponderating influence had been exerted in order to have the charge brought forward, and if the bringing of it forward could have been at all checked by the retirement from public life of so insignificant an individual as himself, God knew with what cheerfulness he would have resorted to that expedient! But this was by no means the case. With a judgment therefore perfectly conscientious, though at war against his private feelings, with a reluctant sense of duty, and with a heavy heart, he came to the discussion, which could only have been averted by a favourable termination of the negociation with Her Majesty; regretting deeply the fatal success of those counsels which frustrated all the endeavours of Ministers, blasted their fondest expectations, and had left one course only for them to adopt—the course which they had this day adopted. Such were the observations which he had thought it necessary to offer to the House—some of them forced from him by his own personal situation, others dictated by the duty which he owed to his Sovereign and his country. Having now discharged that duty to the best of his ability, he hoped he might, without any dereliction of it, indulge his private feelings, by abstaining, as much as possible, from taking any part in the future stages of these proceedings.

Mr. Wilberforce moved an amendment (which was carried) "that this debate be adjourned until Friday next." Meanwhile negociations were entered into between the Queen's counsel (Messrs. Brougham and Denman, Her

Majesty's Attorney and Solicitor-General) and the Government, with a view of effecting a satisfactory adjustment of the differences in the Royal Family. The adjourned debate, in consequence of these negociations, was not resumed until the 26th of June.

DIFFERENCES IN THE ROYAL FAMILY.

JUNE 22d, 1820.

Mr. Wilberforce moved the following Resolution:—

"That this House has learned, with unfeigned and deep regret, that the late endeavours to frame an arrangement which might avert the necessity of a public inquiry into the information laid before the two Houses of Parliament, have not led to that amicable adjustment of the existing differences of the Royal Family, which was so anxiously desired by Parliament and the nation.

"That this House is fully sensible of the objections which the Queen might justly feel to taking upon herself the relinquishment of any points in which she may have conceived her own dignity and honour to be involved; yet, feeling the inestimable importance of an amicable and final adjustment of the present unhappy differences, this House cannot forbear declaring its opinion, that when such large advances have been made towards that object, Her Majesty, by yielding to the earnest solicitude of the House of Commons, and forbearing to press farther the adoption of those propositions on which any material difference of opinion yet remains, would by no means be understood to indicate any wish to shrink from inquiry, but would only be deemed to afford a

renewed proof of the desire which Her Majesty has been graciously pleased to express, to submit her own wishes to the authority of Parliament; thereby entitling herself to the grateful acknowledgments of the House of Commons, and sparing this House the painful necessity of these discussions which, whatever might be their ultimate result, could not but be distressing to Her Majesty's feelings, disappointing to the hopes of Parliament, derogatory from the dignity of the Crown, and injurious to the best interests of the empire."

Mr. S. Wortley seconded it.

Lord Archibald Hamilton proposed an amendment; "That all the words be omitted after the word 'Queen' down to the word 'sparing,'" in order to insert the words "must feel at the relinquishment of any points in which her dignity and honour are involved;" and is of opinion that the assertion of Her Majesty's name in the liturgy would be, under all the circumstances of the case, the most expedient and most effectual mode, &c.

Sir F. Burdett seconded the amendment.

Mr. Canning* began by declaring that, however much provoked by the speech which had been just delivered, he should abstain, on the present occasion, from entering into the lists with the honourable baronet, more out of respect to the real subject matter of the debate, which he thought ought not to be mixed with topics of personal vituperation and party invective, than (as he hoped the House would do him the justice to acknowledge) from any habitual indisposition to accept a challenge in debate when charged with want of principle, or with inconsistency of practice. He felt it his duty to recall the attention of the House to the much more interesting considerations involved in the motion before them.

The object of that motion was, to endeavour to avert an

inquiry which, however loudly it appeared to be demanded by some of the parties interested in it, was as loudly deprecated by the great body of that House, and by the great body of the country. What might have been the conduct of His Majesty's Ministers in bringing forward the papers which contained the charges that were to be made the ground of inquiry—what had been the principle of their proceedings—whether they had been actuated by base motives—by personal hostility to the Queen herself, or by a wish to steal a vote from the House of Commons which might confirm them in royal favour and enable them to retain their places—all these were questions which the House were now informed they would have an opportunity, at no very distant period, of discussing. Come those questions when they might, His Majesty's Ministers, whether as a body or individually, would be fully prepared to meet them; and if, upon the present occasion, they postponed their own justification to the discussion of topics of greater importance, they did but make the same sort of sacrifice which was exacted from the other more illustrious parties in this case, when they were required to submit their private grievances and feelings to the pressing sense of public duty. He trusted, therefore, that he should easily obtain credit from the House when he declared that it was not from any want of readiness to meet the charges and insinuations which had been preferred; nor from the nature of the topics that had been employed in preferring them; nor from the vehemence with which those topics had been argued; nor from any exaggerated feeling of respect for the quarter whence they proceeded; that he should decline at the present time entering into the justification of his colleagues and himself. Whatever might be the fate of that night's question, ample opportunities for such justification would occur; and whenever they did so, he should be quite ready to meet with arms,

he hoped, of as keen temper as any that had been or could be wielded against him, with denial, and defiance, with vindication and retort, the most boisterous accuser, or the loudest cheerer who had raised his voice on the present occasion. But he felt it to be now his duty—a duty paramount to all party or personal considerations—to endeavour to recall the attention of the House from the vague and useless excursion into which they had been led away, to the question immediately before the House; and to urge them to direct their whole and undivided attention to a proposition, on the result of which so many individuals concurred in considering the peace, happiness, and moral feeling of the people of this country to be mainly concerned.

He knew it would be said, "If that be the feeling which you acknowledge to be generally entertained with respect to the result of an inquiry, in God's name why is the inquiry called for?" His answer was, that His Majesty's Ministers were forced into it. He would tell the right honourable gentleman (Mr. Tierney) who had followed him in debate the other evening, and whom therefore he was not at liberty at the time to answer, what he meant by saying that His Majesty's Ministers were forced into the step which they had taken. "Who forced you?" was the question of the right honourable gentleman. He (Mr. C.) answered—Those weak and dangerous advisers who, in an ill-fated hour, had induced Her Majesty to return to this country. And why so? Was it because Her Majesty's person was odious to individuals, or the Government? Was her arrival in England a crime? and was the measure adopted upon her arrival, adopted as a punishment? No. But by coming over to England, the Queen had at once brought to issue a question, the discussion of which the Government would gladly have avoided. And what was that question? Why, no other than this—What was the

precise situation in the kingdom which Her Majesty was to occupy? Why, where was the difficulty? The difficulty lay in the charges now upon the table; not in the production of them, but in their existence. In alluding to these charges, he meant to say no more than that they were charges: he meant not to utter a single syllable from which any inference might be drawn as to his opinion of the validity or amount of those charges. But, such as they were, they were brought within the knowledge and under the eye of His Majesty's Government. It was one thing to have exercised a discretion—and he would term it a sound discretion—in determining that so long as the question of Her Majesty's claim to be received into all the privileges of her high station was not brought practically to issue, none of the transactions, the rumours, the calumnies (if you please) which the honourable baronet had so lavishly recapitulated, and dwelt and commented upon with so disgusting a minuteness, should induce His Majesty's Government to originate the agitation of that question. Such had been the determination of Ministers, and upon that determination they had acted as long as they were enabled to do so. But, it should be recollected, that His Majesty's Government were not the only parties upon whom the agitation of this question depended. It was in the power of the illustrious personage herself to bring it to issue by demanding inquiry. She did so; and after that His Majesty's Government had no choice. There could be no desire—desire! how could he let slip such a word, or how suppose it could be imagined by the most perverse and malignant of human imaginations, that there should be in the mind, he would not say of any honourable man, but of any being with the feelings of man, any desire but that inquiry should be avoided? If any choice had been left to His Majesty's Ministers, any chance of forbearance which they had not

tried, any hope of compromise which they had not explored and exhausted, he should have considered their conduct most unwarrantable. But in this respect he could say boldly for his colleagues what he had said for himself, that every personal and private feeling conspired with their sense of public duty, to seek for all practicable means of abstaining from any proceeding in this case. But they had no escape. The sounder advice of Her Majesty's acknowledged legal advisers was overborne;—that illustrious personage was persuaded to return to this country, and His Majesty's Ministers were left without an option.

The honourable baronet had thought proper to describe the language in which he (Mr. Canning) had spoken of that illustrious personage on a recent occasion as extravagant, and as inconsistent with his conduct. If that language had procured him any credit with the House for sincerity, he hoped he might be believed, when in the same spirit of sincerity, he professed that he thought it in no degree inconsistent with the strongest feelings (if the honourable baronet would permit him to use that expression) the strongest private feelings of admiration and regard for any individual, whose conduct might, whether justly or not, have become subject to suspicion, for any person holding a public situation, and having public duties to discharge, to determine that he would use every effort to prevent any proceedings tending to bring that conduct into question, unless a step should be taken on the part of the suspected individual, which would render such proceedings inevitable, and yet to be unable to resist the consequences of such a step once taken. Unfortunately, most unfortunately in this case, such a step had been taken! Would to God, he could have dissuaded it! But, once taken, there was no alternative: the suspicions which before might have been left uninvestigated, must now be, and God grant they might be, disproved! To the

courage which Her Majesty had evinced in coming back to this country, with a full knowledge of what the consequences must be of such a step, he did full justice: happy if that display of courage should prove the prelude to complete vindication!

With respect to the conduct of the negociation at St. Omer's, it was not his intention to impute blame to any one. A time might arrive when a minute explanation of all the circumstances of that transaction might become necessary: at present he would merely repeat the declaration which he had previously made, that the honourable and learned gentleman opposite (Mr. Brougham) was the bearer of the only proposition which was intended to be conveyed to Her Majesty. There had been an intimation confided to the noble lord,* by whom the honourable and learned gentleman had been accompanied, that Her Majesty's coming over to this country would at once terminate all negociation. This intimation had been so confided to the noble lord at the suggestion of the honourable and learned gentleman himself; and on this fair ground, that if it were attached to the proposition of which the honourable and learned gentleman was the bearer, it would have too much the air of a menace. The noble lord had not even been furnished with a copy of the memorandum of the official proposition, of which the honourable and learned gentleman was exclusively in possession. The noble lord was charged with the intimation which he had described, only to be used should the Queen express her determination to return to England. This he had said in the way of explanation upon a point which had been much misunderstood. If there were other points connected with the subject, upon which any explanation was required, he should be equally ready to give it.

But the interest of the negociation at St. Omer's was now

* Lord Hutchinson.

swallowed up in the greater importance of that which had recently been carried on in London. Amidst all the details of that last negociation which had been now laid before the House, was there the slightest ground for any charge against His Majesty's Ministers of having evinced any disposition to lend themselves to widen the unfortunate differences, or to conduct themselves towards the Queen with any other feelings than those of moderation and forbearance? It had been observed, indeed, that the terms proposed to be granted to Her Majesty, did not include every object of her wishes. To be sure they did not. Who ever heard or thought before, that a compromise implied a triumph. Did not the very word compromise imply the contrary? Was it not always understood, that in effecting a compromise, the persons deputed on each side were virtually empowered to make a reasonable deduction from the claims of the one party and of the other, with the view of obtaining an adjustment, fair in the opinion of the umpires, although not completely satisfactory to the wishes of either of the parties? As to the proposition for restoring Her Majesty's name to the liturgy, it was one which could not be assented to by His Majesty's Government, as might have been inferred from the basis on which it had originally been proposed to treat, namely, that the accused party "should not be required to admit, nor the accusing party to retract any thing." This basis had been laid down, in the hope, that by thus saving the point of honour on both sides, an arrangement might at length be effected, satisfactory to both parties in point of form, and in substance satisfactory, if not to them, to the House of Commons. That House had constituted itself the umpire between the parties; and it was for that House, and not for the partizans of either conflicting party, to judge whether the arrangement proposed was such as ought to bind both parties, and whether it was not the more satisfactory and the more just, precisely because it did not give a triumph to either.

Having agreed, in the outset of the negociation, that no admission on the one hand or retractation on the other, should be required, how happened it that the legal advisers of Her Majesty did nevertheless, in the very first conference, and to the great astonishment of those to whom His Majesty's interests were confided, require that the King should retract a public act, which, had it been considered by them (as it was now attempted to be represented) as a bar to all treaty, ought to have been mentioned as such in the first instance? Now, it seemed, this—being the only point not gained—was the only point thought at all desirable; and the basis being laid down, that there should be no retractation, and this being in truth the only act done, it was now found to be indispensable that this act should be retracted. Thus, no sooner was the first conference held, than the basis so solemnly settled in the previous notes, was set aside by the Queen's legal advisers, and the acknowledgment was required of a principle directly in contradiction to that basis. "Nothing shall be required to be retracted," said the basis: "retract, or we will treat no more," said Her Majesty's legal advisers. Was that fair? Was that consistent? Would His Majesty's Ministers have been justified in conceding a point, upon the assumed and understood settlement of which the whole negociation had proceeded? As to the charge so often refuted, but again revived of their having offended the Queen by an offer of money, could so shallow a sophistry any longer deceive any one who did not wish to be deceived? Was not Her Majesty entitled by law to a settlement of £50,000 on the death of the Prince of Wales? Had not a bill been introduced into that House in 1814 to give Her Majesty this exact allowance of £50,000 a year? But the question in the late negociation with regard to the Queen's income did not originate with Government. It was intro-

duced by Her Majesty's legal advisers themselves, who stated that the points to be settled were residence, patronage, and income. If those points had been alluded to specially, it was their own specification. In the first oral conference, however, it came out that that which was to be preferred to residence, patronage, or income, was the introduction of Her Majesty's name in the liturgy.

Exaggeration was undoubtedly a favourite figure in that House, but, he confessed, he never recollected an instance in which it had been carried to so great an height as in describing the importance to Her Majesty of restoring her name to the liturgy. He never recollected such an attempt to press sacred topics to the aid of topics merely human before. If, however, the matter was of such importance, not merely in a worldly but in a religious sense, what was to be thought of those negociators for the Queen who, when coolly enumerating the objects most essential to be settled in negociation, lost sight altogether of this half-divine consideration, or at least postponed it to the purely mortal considerations of residence, patronage, and income?—Nay, when they did at length introduce this awful, heavenly point of exclusion from the ceremonial of the church into discussion, did they even talk of it as essential and indispensable? as that, without which nothing earthly was worth having, and for which nothing earthly could compensate? Nothing like it. They introduced it at last as a matter for commutation for an equivalent. They were equally ready to take it in kind, or in value. The privilege in question (if the House was to credit the glowing representations of to-night), was nothing less than that of ascending on the orisons of millions to the presence of the great Creator. But this celestial privilege admitted, it seemed, of compensation; nay, not only compensation, but, irreverent as it might seem, of an equivalent! And

what was this equivalent? Ludicrous as it might sound, —the introduction of Her Majesty to any one petty court in Germany; to the court of any one of the Landgraves, or Margraves, or Rhingraves; whose territory extended three miles on each side of the turnpike road, and whose quota to the military defence of the Germanic body, was two whiskered grenadiers, one corporal, and a fraction of a drummer! An introduction, such as this, to the drawing-room of Kniphausen, Sonderhausen, or Hohenzollern-Hechingen. would be, in the recorded opinion of Her Majesty's legal advisers, an equivalent, for what was in the same breath represented as a spiritual right, a celestial aspiration of the highest order! It was surely unnecessary to dwell longer on so palpable an inconsistency. It must be unnecessary to detain the House with commenting on the grossness of this attempt to impose upon their best feelings. The plain truth was, that this point of the omission of Her Majesty's name in the liturgy, had been seized upon only because it was the single act which had been done, and the single act therefore that could be retracted. It was of little importance in itself; but it was of much importance as calculated to inflict humiliation in the concession of it, and to give triumph in the attainment. Therefore it had been insisted on. That concession he, for one, could not advise. If the House thought that the name of the Queen ought at once to be inserted in the liturgy, they would pronounce their opinion accordingly; but if it were required that His Majesty should be advised to retract his decision in that respect, other advisers must be found than himself and those by whom he was surrounded. And this opinion he would be willing to maintain simply on the ground already stated, that the basis of the negociation excluded retraction; and that it was one, therefore, which the negociators had no right to require. But he denied

that in the substance of the omission there was any thing of the nature apprehended. If, indeed, other names had been inserted in the "prayer for the Royal Family"—if the name of the Duke of York, for instance, the heir presumptive, had been inserted, then indeed there might have been something disparaging in the omission. But from the absence of all specification, there was no such inference to be drawn. It was, as he had before described it, and as it had been justly described by others whom he could name, before it was thought expedient to exaggerate the matter into such importance,—a measure purely neutral. Nor could there be any doubt as to the competency of the authority by which it had been ordained. When it was shown that the late Duke of Cumberland in one reign was included in the liturgy, and was excluded from it in the next, was it not clear that the admission or exclusion was not a matter of law, but simply one of discretion? The power of George I. to exclude his Queen from the liturgy had never been questioned; although her son, afterwards George II., unquestionably believed his mother to be an innocent and injured woman. He did not, however, adduce this precedent to prove that her present Majesty ought also to be excluded; but only to prove, beyond the possibility of contradiction, that it was a question, not of law, but of discretion. Nothing, indeed, could be less consistent than the course taken by the honourable gentlemen opposite on this question, who at the same time that they insisted upon the insertion of Her Majesty's name in the liturgy as a matter of law and strict right, were willing to take it as a concession. If, as those honourable gentlemen contended, the omission was illegal, the abandonment of it could not be called a concession; and in exact proportion as Her Majesty was entitled to be prayed for, without any reference to conduct, the concession of that privilege became valueless for

the vindication of her character. Upon the whole, he protested that if it had been referred to him as an arbitrator to settle the points in dispute with an even hand between the illustrious parties concerned, he knew not what settlement he could have awarded more equitable than that proposed—a settlement which, as he had already stated, could not, from the very nature of the transaction, be exclusively favourable to one side only, but which, if in any degree partial, inclined (as it was proper that it should do) in favour of the weaker side.

The House were now to consider whether they would proceed in the direct course that was opened to them by his honourable friend, or turn aside and adopt the amendment proposed by the noble lord. It was not the province of those who sat around him to recommend either course. To whatever result the House might arrive, they should submit with deference to its decision. But he thought that, whatever might be the vote of the night, no renewal of the negociations would be advisable. His Majesty's Government had entered on those negociations with the sincerest disposition to bring them to a satisfactory issue; but having been broken off, those negociations could not now be renewed but under the greatest disadvantage. Indeed, the course which the present debate had taken, rendered it idle to talk of renewed negociations. The honourable and learned advocates for the Queen might think the course which they had pursued, and the manner in which they had enforced their arguments, calculated to benefit their illustrious client. If so, he did not blame them, although certainly what had fallen from them was not likely to facilitate adjustment. With respect to others, who had been more violent, he really did not think that any thing which they had said would produce an impression on the mind of any man who had wisdom and self-command enough

to view a subject so deeply interesting as the present in a calm and dispassionate manner. As to the furious declamation of the honourable baronet (Sir F. Burdett) in particular, he did not believe that it would have the slightest effect on the youngest member of the House. He was sure that neither he nor his noble and right honourable friends had thrown any impediments in the way of an amicable arrangement; but he conjured the House, if they thought that a period had arrived in which negociation ought to terminate, to put an end to it by some decisive expression of their opinion. He was anxious to render his free homage to his honourable friend the member for Bramber for his good intentions. His honourable friend had been as usual labouring in his praise-worthy vocation. It had been his honourable friend's noble object not to exasperate, not to inflame animosities, not to put the parties in a position from which neither could retire with honour; his objects were of a higher and holier nature—the healing of differences, the cessation of angry discussions, and, where reconciliation was unfortunately unattainable, at least oblivion and peace.

On a former occasion, an honourable gentleman had said something of the baseness of Ministers in allowing His Majesty to be at all visible in an affair in which they ought to be the sole actors. On a question of so delicate a nature —connected intimately and necessarily with the personal feelings and peace of mind of His Majesty—it was difficult, and indeed impossible, to speak without occasional reference to the Monarch in his individual character; much as it was to be desired, on all constitutional principles, that the person of the Sovereign should be kept out of sight in their debates, and his acts only canvassed through the responsibility of his Ministers. But let that principle be fairly and generously acted upon. If blame should be thought to attach

to any quarter; if the arrangement which had been wished for and recommended by the House of Commons should be supposed to remain unaccomplished only in consequence of some culpable act or omission on the part of the Crown; by Ministers alone let the responsibility of such act or such omission be incurred, but let the King stand clear. In a case so full of difficulty, and so much calculated to distract the understanding as well as to distress the feelings, it would be idle to pretend that not a word had been written or spoken amiss; but on a review of all that had passed, the Ministers had the consolation of believing that they had not been wanting in duty to their Sovereign on the one hand, nor on the other hand in consideration for the illustrious female now approaching to that awful trial, which she braved with courage, and had demanded with a voice not to be resisted. But whatever might be the judgment of the House with respect to the conduct of Ministers, let not the House forget that magnanimity with which the King had acceded to every sacrifice required of him. The proposition of his honourable friend, the member for Bramber, afforded another gleam of hope. The success of that proposition depended not upon His Majesty or his Ministers. But the Ministers, he could answer for them, would hail that success with joy; and when the day of congratulation and acknowledgment arrived, the House would convey to His Majesty the expression of their gratitude for the willingness which he has shown in subduing his own personal feelings, in consideration for the wishes of the House of Commons, and for the peace, and happiness, and morals of his people.

The question "That the words proposed to be left out stand part of the question," was then put and agreed to. The main question being then put,

The House divided.—

Ayes	391
Noes	124
Majority against the Motion	267

ROMAN CATHOLIC DISABILITY REMOVAL BILL.

MARCH 16th, 1821.

In the course of the debate that arose on the order of the day being read, for the second reading of this bill, Mr. Plunkett, in a speech of transcendent ability, supported the bill. It was also supported by Mr. Wilberforce and Sir James Mackintosh, and opposed by Mr. Peel, Sir W. Scott, and Mr. Bathurst, who moved, as an Amendment, "That the bill be read a second time this day six months."

Mr. Canning* said, that often as it had fallen to him during the time that he had been a member of that House, to take part in the discussion of that most important matter which was this night the subject of their deliberation, he had never risen to discharge his duty under greater anxiety than he felt on the present occasion. That anxiety arose, in part, from the intense conviction which he felt of the great and growing expediency of the measure then proposed to the House. It arose in part also from the peculiar circumstances under which the determination of the House

was then to be taken. Those circumstances did not consist in an augmentation of the difficulties by which the question had been surrounded—for difficulties had been, in some degree, removed; nor did they arise from an exaggeration of the objections which were opposed to the measure—for objections heretofore insisted upon, appeared to have been in some measure abated; neither did they consist in any irritation of the public mind—for never, on any former occasion, had the public mind been in such a state—he would not say, with his right honourable friend (Mr. Peel)—of apathy, but of complete resignation to the wisdom of Parliament. They did not consist in any acerbity of temper with which the discussion had been carried on within the walls of that House; for eminently on that night, and also, as he had been informed, in the former stage of this discussion, had it been carried on with a candour, a temper, and a propriety, that did high honour to the right honourable and learned gentleman who had brought in the present measure, and to his right honourable friend, the member for Oxford, who had opposed it.

Having as warm a feeling of esteem for his right honourable friend as it was possible for one man to entertain for another--concurring with him upon most subjects of public policy as much as it was possible for one public man to concur with another—yet, differing with him as he did conscientiously upon the present question, of his right honourable friend he must say, that he had discharged a painful duty upon the present occasion, in a manner which reflected the highest credit on his public character and conduct, and which must afford him satisfaction in the retrospect, to the latest hour of his life.

In return, he (Mr. C.) hoped he might be allowed in the outset, to assure his right honourable friend and the House, that he came to this debate in the same temper

of mind as his right honourable friend; and to say, that if, in the warmth of argument, he should fall into any expression which might be supposed to convey disrespect to those from whose opinions he differed, he trusted he should be acquitted of any intention to give pain, and, that for any such accidental intemperance, the interesting nature of the cause would plead his apology. It was from the very improvements in the position of the great question about to be decided; it was from the diminution of the difficulties with which it had been hitherto surrounded; from the abated tone of the objections with which it had been heretofore assailed; from the acquiescence without doors, and the calmness within; that, deriving unusual hope, he also derived a more than common share of anxiety. In proportion as those external causes, which, on former occasions, had contributed to the ill reception and defeat of this question, were removed; in proportion as it was left more freely to the operation of its own intrinsic merits, the responsibility for a favourable result appeared to weigh more heavily upon its advocates. And when, in addition to the facilities which he had already enumerated, he considered the advantage of an unpledged Parliament, and the auspiciousness of a new reign, he could not help avowing, that if in a state of things so highly encouraging, the issue of this night's discussion should prove—as he trusted it would not prove—unfavourable, he should almost be led to despair of final success.

Under these circumstances, it was rather the magnitude of the issue than the difficulty of the argument which filled him with apprehension, and occasioned him to approach the question that night with a trepidation such as he had never before experienced.

What, then, was the question which they were called upon to decide? It was whether they should allow the

laws that affected the Roman Catholics to remain in their present state; or should reform them by further mitigations; or should restore them to that standard from which, during the whole of the late reign, Parliament had been employed in gradually bringing them down? It was idle to say that this division of the subject was invidious. It was impossible to look to the laws as they at present stood, without adverting to the origin of those laws, and to the state in which they had stood when in their mature and undiminished vigour, in order to obtain a complete view of their moral operation and effect. It was most true, as had been stated by his honourable friend the member for Bramber (Mr. Wilberforce), in his delightful speech a few hours ago, that it was not merely the existing state of those laws, nor the temper in which they were now administered, that was to be considered, when you were about to determine upon their continuance or repeal—the temper in which they were originally enacted—the accusations of which they were now the memorial—the imputations which, if true, warranted, more than any other, the efficacy with which they were formerly administered—must all form part of the consideration.

These laws, be it remembered, had never been stationary; for two centuries had they been growing; for half a century had they been in their decline. At the summit of the hill there was a plain of only twenty years; on one side was an ascent of two hundred years, and, on the other, a descent of about sixty. Was it possible to contemplate singly the point to which sixty years of gradual declension had brought them, without taking into view the point of cruel perfection from which they began to decline, and the degrees by which they had previously been raised to it?

Was it possible to consider the propriety and policy of what remains of the code, without reference to the cause in

which it had originated;—to the reasons or the pretexts by which it had been justified;—to the effect, good or evil, to which it had operated while in force;—to the recollections with which it was associated;—to the severities which it had inflicted;—to the resentments which it had engendered;—to the character of the times in which it had grown and flourished;—and to that of those in which it was now proposed to abrogate it altogether?

And, first, as to its origin and causes:—At what period in the history of this empire were the laws against the Roman Catholics justified, otherwise than by the supposed political as well as spiritual connection of the Roman Catholic with a foreign power?

The argument was now taken as if that connection had been nothing else but spiritual; but that was not so—it had always been made ground of charge against the Roman Catholic, that he had also entertained a political predilection, or acknowledged the obligation of political obedience towards a foreign power. That foreign power, in the earliest times of the reformation, was the Pope, then formidable in temporal as well as in spiritual preponderance; and arrogating a supremacy over the temporal concerns of princes, which those who admitted, could be but imperfect in their allegiance to their lawful sovereigns. In later times, an exiled family—exiled on account of political as well as religious bigotry—became the rival of the reigning dynasty of England, and divided, or assumed to divide with it, the allegiance of British subjects. Concurring in the religion of the exiled family, the Roman Catholic subjects of the British Crown were held also to be devoted to their political claims. The Roman Catholic was presumed to be essentially a traitor; but as treason was naturally concealed as much as possible, while religion was more readily avowed or ascertained, the test of the sus-

pected politics, was sought in the professed creed. It was necessary to discover the papist who was ready to restore the exiled family to the throne. It was devised to detect him by the oath of transubstantiation. Was his creed his guilt? No. But his creed designated the man, and his guilt consisted in his foreign attachment. Would any man pretend to assert that that attachment existed at present? No, it was gone—the object of his attachment was no more. But he who maintained the doctrine of transubstantiation was still to be made the subject of penal laws! This was to mistake a rule for a reason. It was as if a magistrate, having received information that a murder had been committed by a man who wore spectacles and a wig, and having apprehended an individual distinguished by those appendages, should, upon its being afterwards ascertained that no murder had been committed at all, still refuse to relinquish his man, persisting that the spectacles and wig were conclusive evidence of the murder. The Roman Catholic believing in transubstantiation, had been formerly the object of penal laws, because, attached to an exiled family, that family no longer existing, he was now punished for believing in transubstantiation.

The earliest dawn of the Reformation, to which mankind, and this country above all, were indebted for so many invaluable blessings, would be found, like all great mutations in the affairs of the world, to have been tainted with many acts of violence, injustice, and mutual persecution. Out of that conflict, the Reformed Church of England had happily come triumphant; but was it now to be assumed that criminality attached, not only to all who resisted, but to all who professed the creed of those who had resisted its establishment? No man would contend for so unjust a proposition.

He thanked God that the Church of England had come

prosperously out of that arduous struggle; but he could not bring himself to say that those who had adhered to the old religion, as the mild Melancthon had advised his aged mother to adhere, rather than distract herself with controversy, were, on that account, fit objects of punishment. Restrict them if they connected their religion with politics hostile to the peace of their native country; but, happy as was the consummation which had rendered this a Protestant state, he could not consent to judge harshly of those who had opposed the change, when he considered under what circumstances, and by what instruments it had been brought about. Look to the character of the first royal promoter of Protestantism in England, and to the mixed motives by which he was actuated; and whether you attribute his conduct to policy or to passion, to avarice or to vanity; whether you agree with the historian who describes him as a tyrant, by whose arbitrary laws whoever was for the Pope was hanged, and whoever was against him was burned; or with the poet, who attributes his conversion to a softer passion—

> "When love could teach a monarch to be wise,
> And gospel-light first dawn'd from Boleyn's eyes."

In any case, surely it was not a substantive crime, and worthy an inheritable punishment, to have opposed an innovation, in which, whatever might be the governing motive, it was at least pretty clear that simple piety had no considerable share. The reign of Queen Elizabeth was glorious, both in its foreign and domestic policy; but it was, undoubtedly, not the reign either of civil or religious liberty. In that reign was laid the foundation of the penal code against the Catholics; but laid expressly on the ground of political disaffection, not of religious differences.

Then, indeed, were papists excluded from the House of Commons, but they were expressly allowed to continue to sit in the House of Lords. And why? because a popish lord was less a papist than a popish commoner? No—but because of the fidelity—the political fidelity of her peers, the Queen said she had other means of assuring herself. During the reign of James I. the Roman Catholic was stripped of his privileges as a citizen, denuded of his rights as a social man, deprived of the common connections of country, rendered liable to a *præmunire* if he stepped five miles from his own threshold, and to the penalties of treason, if he so transgressed a second time; but was it necessary to remind the House of Fawkes's plot, as a proof that treason, not faith, was the cause and the object of these terrible enactments? Terrible as those enactments were, it must be allowed that there was some justification for them, while the safety of the state, and the succession to the throne were threatened by the conflict of the hostile religions. But with the reign of James I. that apology seemed to end. In the reigns subsequent to that of James I. was there any thing in the conduct of the Roman Catholics to induce the belief that their religion was hostile to the security of the state? In the reign of Charles I. was it the old religion that overturned the monarchy? Did the Roman Catholics bring that monarch to the block? Was it a papist who struck the fatal blow?

It had been asserted, indeed, in that debate that it was impossible for a Roman Catholic to enter into full enjoyment of political rights, without feeling it to be his bounden duty to employ them in an attempt to overturn the Protestant ecclesiastical establishments of the country, and it had even been said that no harm was intended in imputing this doctrine to the Catholics—that it charged them with nothing which they who made the charge would be ashamed of

doing, had it been their fortune to live under an adverse ecclesiastical establishment. Now, he thought this was taking an unfair advantage. Any man who chose to throw away his own character, was not master of that of another; and honourable gentlemen were mistaken in thinking that by thus impartially accusing themselves, they acquired the right of inculpating the Catholics. He was, therefore, obliged to vindicate his right honourable friend from his own admission, in order to protect the Catholic from the inference deduced from it. He entirely disbelieved his right honourable friend's self-accusation; he was sure that if the lot of his right honourable friend (Mr. Peel) had been cast in another country, of which the established religion was different from his own—and if he had there been allowed, nevertheless, to take his seat in the senate, and to exhibit himself, as he did at present, to the admiration of all who heard him, he was sure that no suggestion of priestcraft, that no motive of conscience, would ever lead him to attempt the overturn of the establishment of that country which had placed him in so distinguished a situation.

But in what manner did the history of England bear out the theory of his right honourable friend? What, as he had already observed, was the conduct of the Catholics of England, throughout the trying struggle of the reign of Charles I.? A continual tenor of adherence to the Government amidst domestic faction, and civil war, and at the risk of their property and their lives. Had they no temptation to shrink from a faithful discharge of their duty? and yet in what instance had they failed?

He had said that Catholics, though excluded by law from the House of Commons, still retained their seats in the House of Peers. What was their conduct in that House? and how was it requited? In 1641, a bill was brought in to exclude the bishops from sitting in Parlia-

ment. In the House of Lords it was lost upon a division, and in the majority were to be found many Catholic peers. Thirty years after, a bill was sent up to the Lords, for the exclusion of Catholic peers from seats in Parliament. It was passed by a great majority; and in that majority were included the Protestant bishops. He meant nothing disparaging to the bishops of that day. Undoubtedly, they thought that they were doing their duty. But he should like to know—supposing the Catholics to have voted for the expulsion of the bishops, as the bishops did for theirs—what would now have been said of the conduct of the Catholics? Would not the House have rung with the triumphant inference that now, as in 1641, the admission of the Catholics into Parliament, must be the destruction of the Protestant hierarchy? The only inference he would draw was, that as one good turn deserved another, the passing of this bill would afford to the bishops of the present day an opportunity of returning the obligation of 1641.

But some gentlemen had a still more ingenious theory. For two centuries, it was urged, had the Catholics been brooding patiently over their wrongs, and, like the Brutus of history, disguising, under the appearance of insensibility, the deep sense which they entertained of them—they were only waiting for the passing of this bill to wreak the vengeance which had so long been smothered in their breasts. Indeed! and had this and former debates so far exhausted all reasonable objections, and all rational fears, that we were now to be daunted from doing what was right, by the apprehension that the present race of Catholics would throw off a mask worn by successive generations of their ancestors, and revenge themselves in the first delirium of new-gotten freedom for ages of suppressed feeling and hypocritical fidelity? Surely to believe in

such a danger, required a more than Roman Catholic credulity.

He had hitherto spoken of the Roman Catholic religion generally, and addressed himself to its operation in England. He now came to speak more particularly of that part of the united kingdom which was more peculiarly interested in the present question—of Ireland.

During the earlier of the reigns which he had shortly reviewed, the Reformation, which, in England had made such rapid strides, had not only mounted the throne, but almost monopolised the legislature, it had made no progress whatever in Ireland. And why? And whose the fault? No pains had been taken to advance it. On the contrary, to judge from facts, it was the policy of Elizabeth to keep it back. Neglect alone hardly furnished a sufficient solution of such total apathy in one kingdom, contrasted with so stirring and anxious an activity in the advancement of Protestantism in the other. But such was the fact. What wonder then, that the rebellion in the time of Charles I. assumed in Ireland a popish character, when the whole population were papists? What wonder if politics and religion were mixed up in a country where the Reformation never entered at all; and the reformed religion never, but in arms and as a conqueror? Such was its entry, first under Cromwell, and last under King William. The penal code against the Catholics of Ireland, dated from the conquest of that kingdom by William III. The popish Parliament had enacted severe laws against Protestants, the Protestant Parliament had retaliated most severely. No single individual would have dared to take upon himself the odium attendant on such retaliation. From that Parliament emanated a series of laws, such as had not previously existed in the records of legislation—laws, the

framers of which seemed to have taxed their imagination to find out the sore points of human nature to which they might apply them as corrosives—laws which counteracted all the feelings of nature, destroyed all the comforts of families so long as they existed; and exist they did, until the fourteenth year of the reign of George III. all in full force and undiminished vigour. By them the conforming son could seize upon the property of the unconforming father; by them the unprincipled and heartless Protestant wife could array herself in the riches of her betrayed Catholic husband; by them the orphan heretic might be robbed by any anti-papist plunderer of his patrimony; through their operation there was no faith in kindred, no social intercourse of friendship, no security in any of the relations of domestic life. In 1774 came the first relaxation of this accursed system, the first breathing of a mighty thaw upon that accumulated mass of cold and chilling enactments, which till then had congealed and benumbed a nation. What was the first symptom of this genial spirit? It was a symptom sufficiently indicative of the degraded state to which the Catholic had been reduced, and of the difficulty which benevolent repentance found in breaking up the frost which so long had bound him. The first relaxation, that omen of returning spring, enabled the papist, notwithstanding his belief in transubstantiation, to rent—oh, mighty indulgence!—fifty acres of bog! This relaxation was found to succeed so well, the Protestant establishment continued so firm under the shock of it, that Parliament allowed them afterwards to take a lease for sixty years. From that time the system was progressively mitigated until the year 1793, which crowned and consummated the gift of civil liberty, and left only political concession imperfect—imperfect in actual deed—but in principle acknowledged and anticipated.

When, in the year 1793, the elective franchise was conceded to the Catholics of Ireland, that acknowledgment and anticipation which he called upon the House that evening formally to ratify and realize was, in point of fact, irrevocably pronounced. To give the Catholic the elective franchise, was to admit him to political power. To make him an elector, and at the same time render him incapable of being elected—was to attract to your side the lowest orders of the community, at the same time that you repelled from it the highest orders of the gentry. This was not the surest or safest way to bind Ireland to the rest of the empire in ties of affection. What was there to prevent our union from being drawn more closely? Was there any moral—was there any physical obstacle? *Opposuit natura?* No such thing. We had already bridged the channel. Ireland now sat with us in the representative assembly of the empire; and when she was allowed to come there, why was she not also allowed to bring with her some of her Catholic children? For many years we had been erecting a mound, not to assist or improve, but to thwart nature. We had raised it high above the waters; and it had stood there frowning hostility, and effecting separation. In the course of time, however, chance and design, the necessities of man and the silent workings of nature, had conspired to break down this mighty structure—till there remained of it only a narrow isthmus, standing

> ——————" Between two kindred seas,
> Which, mounting, view'd each other from afar,
> And long'd to meet."———

" What then shall be our conduct? Shall we attempt to repair the breaches, and fortify the ruins?—a hopeless and ungracious undertaking—or shall we leave them to moulder away by time and accident?—a sure, but distant and thank-

less consummation. Or shall we not rather cut away at once the isthmus that remains, allow free course to the current which our artificial impediments have obstructed, and float upon the mingling waves the ark of our common constitution?"

The right honourable gentleman then proceeded to reply to various detached objections which had been offered in the course of the debate by different speakers. Some gentlemen were afraid that when the final concessions were granted, those persons who had stood by the Constitution when they only enjoyed its benefits partially, would rise up against it, after being admitted to the full participation of its blessings. This was not likely. As yet the Constitution was to them negative and repulsive. Then it would be positive and full of advantage. We had frequently been assailed by the prayers of the Roman Catholics, but we had as often treated them with scorn, professing at the same time to do it for their own good. Indeed, he thought that the Catholics might address us in pretty much the same language as a certain lover had addressed his mistress—

"When late I attempted your pity to move,
Oh, why were you deaf to my prayers?
Perhaps it was right to dissemble your love,
But why did you kick me down stairs?"

Others apprehended that they would still be discontented because all offices could not be opened to them indiscriminately, not those, for instance, which had, by the nature of their functions, any connection with ecclesiastical interests. Surely the distinction was plain enough. With the established religion of the country the Roman Catholics would of course have nothing to do. This must be a first and fundamental principle, both of all that was yielded and all that was retained. None but those who professed the

established religion of the state could pretend to the exercise of any functions immediately connected with that religion, or with the ecclesiastical system in which it was embodied. They had already provided liberally for diffusing the benefits of education in Ireland—and God forbid that any sect of christians should, on account of their faith, be deprived of the means of obtaining knowledge—but God forbid, he would also say at the same time, that the means of education should not, wherever it was possible, be conferred under the auspices of our national church! The provisions of the bill excluded Roman Catholics from the universities, and from the spiritual courts. He could perceive no difficulty, no injustice, in carrying those provisions into effect, and in considering them as conditions of this final adjustment. This exclusion must undoubtedly be a perpetual, indispensable article of the new compact, which, he trusted, they were on the point of ratifying. He relied for the observance of that article on the nature of the thing itself, as well as on the millions of hands and hearts which were ready to defend it in case of an attempt to abrogate or repeal it. Such an apprehension, therefore, could afford no legitimate ground for refusing to share with our fellow-subjects the blessings which we enjoyed. Nor could he join in the opinion that the passing of this bill would divorce the union of the national church and state. He could not think that the Crown would be desecrated and the monarchy rendered unholy, any more than insecure; when every christian creed should be admitted to the franchises of the Constitution, and when thanksgivings for a community of benefits were breathed alike in every diversity of christian prayer.

He next adverted to the fears which had been expressed of a combination of Roman Catholic members of Parliament to carry points favourable to their separate in-

terests and persuasions. First, the number of members that would be returned from Ireland, how infinitely small would it be in comparison with the whole representation? But let them for a moment suppose the case of any considerable number of these much dreaded Catholics possessing seats in that House, what was it that they could combine to accomplish or to repeal? What objects could they have in view? They must necessarily be objects of private or local interest; for with regard to political designs, with regard to all that appertained to the advancement of their faith or spiritual interests, suspicion was alive, and the attempt must be defeated as soon as it was made. Such a combination, if directed to general purposes, must be as notorious as the sun at noon; and must be defeated as soon as known. Others again, dreaded not the operation of numbers, but the danger to arise from the return of demagogues to Parliament. He should only answer, that in Parliament he wished to see them. He had never known a demagogue who, when elected to a seat in that House, did not, in the course of six months, shrink to his proper dimensions. In the event of a parliamentary reform, it would be his wish to see a little nest of boroughs reserved for their separate use, and he should not be alarmed at their introduction, even although they had been qualified in Palace-yard. "Here," he would say, "let the demagogue appear, and let him do his worst."

To return, however, to the main question, he was aware that he had exercised too long the patience of the House: he felt the importance of the subject most deeply: he was convinced that this bill, or (as he did not mean to affirm that it was perfect of its kind,) a bill of this nature was necessary, and was most expedient at the present season. The moment was peculiarly favourable for discussion, and singularly free from any hazard with which the measure

might otherwise be attended. We were now in the enjoyment of a peace achieved by the common efforts of both religions, by Catholic as well as Protestant arms, and cemented by Catholic as well as Protestant blood; a peace which, notwithstanding the threatening aspect of affairs in some quarters of Europe, he hoped and believed was destined to be permanent. But it became us, with a view to political contingencies, to fortify ourselves by adopting all those means of strength which were offered to our hands; and never did a more auspicious period occur for such a purpose. How beneficial to extinguish a question that never could be discussed without agitating large classes of the community! How desirable to avoid the inconvenience which must follow the loss of that question at this time—its revival from year to year with increasing and more hopeless agitation! How delightful to convert the murmur of national discontent into the voice of national gratitude! The expression of national gratitude was not always conveyed by the proud column or the triumphal arch; but let this grand effort of legislation be consummated, and he had not the shadow of a doubt, but that the sentiment would be effectually inspired and unequivocally displayed. It was indifferent to him, provided the result was concord, on which side the work of conciliation began. He cared not whether the boon was plucked from Protestant acknowledgment, by the patience, the long suffering, and the supplications of the Catholic; or was tendered in generous confidence, as a voluntary gift. It, would, in either case, like "the gentle dew from heaven," bless both the giver and the receiver; resembling those silent operations of nature which pervade and vivify the universe, receiving and repaying mutual benefits, whether they rose in the grateful exhalation, or descended in the fertilizing shower. To conclude, he conjured the House to adopt a measure, from which he enter-

tained a conviction approaching to prescience—that far from having cause to repent of its result, they would long reap a rich harvest of national strength, and happiness, and renown. —[The right honourable gentleman sat down amidst fervent and general cheering.]

The question being put, "That the bill be now read a second time," the House divided:

Ayes	254
Noes	243
Majority	11

The bill was then read a second time; and at half past three in the morning, the House adjourned.

MARCH 26th, 1821.

Mr. Bankes, in the Committee on the Roman Catholic Disability Removal Bill, moved the insertion of a clause in the bill, excluding Roman Catholics from seats in Parliament.

Mr. Canning* said, he agreed with those honourable members who considered this as the most important point of the bill. He agreed that it was that of which, if refused, the refusal would take much from the value of any other concessions, and of which, if conceded, the concession would enhance greatly their importance. He agreed that it was a point, the granting of which would form the keystone of that arch which they were erecting, and complete that incorporation of interests which was the object of those who took part in promoting this bill. He agreed, at the same time, that they who, with him, contended for the

admission of Roman Catholics into Parliament, were not entitled, from any previous vote to which the House had come in the course of the present discussions, to assume this point as conceded, or to preclude a renewed examination of it in the present stage. Nothing had been conceded, in fact or in argument, that could prevent members from deciding upon the point before them, according to its merits. Differing as he did from the right honourable gentleman who had last addressed the committee, he begged to guard against any misapprehension of what he should say, by offering at the outset the tribute of his acknowledgment for the general candour and liberality with which he (the Speaker) had stated his opinion, an opinion, it was unnecessary to say, formed most conscientiously, and not urged by the right honourable gentleman beyond the bounds of fair argument and discretion. Whatever the result might be, he (the Speaker) would have the satisfaction of feeling, that he had contributed his full share to the elucidation of the question, and to the good temper which had happily pervaded the whole discussion.

He would now proceed, first, to state what he might conceive to be the claims (the extent to which he understood the term "claims," he would afterwards explain, in order to guard against misconstruction), the claims of the Roman Catholics to admission into Parliament; and secondly, he would inquire what dangers, real or imaginary, might obstruct the concession of those claims. Now, as to the term "claims," he was ready to avow his conviction, that neither an individual, nor a body of men, could be properly said to have any natural claims belonging to them as men, to any political franchise or employment. The claims of men in a civilized society were subject, not only to limitation from the circumstances of the times, but to lasting control from the necessity of the state. The exclusion of the

Roman Catholics from Parliament was just, if it was necessary; and the point now under discussion was, whether such a necessity existed or not. Without reverting, however, to any wild theory of natural right, and under the qualification which he had already explained, he had no hesitation in affirming, that in every civilized society, and in every well constituted state, wealth, ability, knowledge, station, gave a claim to office; and that eligibility to office had always been an object of ambition with the most cultivated minds. In this country, for ages past—and he hoped for ages to come—the highest object had been, was, and would be, to obtain a seat in the assembly which governs the counsels of the nation. To be excluded by positive enactment from the pursuit of this object of ambition, he would not say was an exclusion which no circumstances could warrant, and no expediency justify; but it was an exclusion so severe as to be justified only by circumstances which could not be mistaken, and an expediency not to be avoided or controlled. The burden of proof rested with those who contended for the exclusion. Exclusion was the exception. The general rule was the other way. Undoubtedly, if we looked back to the times preceding the Reformation, we should find that no class of society was then precluded from the political service of the state. The distinction grew up with the Reformation, a transaction affecting the whole of Europe, and the policy external and internal of every state composing the European commonwealth; which changed the line of demarcation between nations, and separated each people among themselves. A Protestant and a Catholic interest grew up, which divided and classed the nations of Europe; and within each nation took place a correspondent division and classification; which had the double effect of arraying different parts of the same community against each other, and creating in each part

respectively a sympathy with foreign states. Similarity of creed was brought into competition with identity of country; and in many instances, and on many occasions, it could not be denied, the religious sentiment was too strong for the patriotic. Grant, then, as he might safely do, for argument's sake, that, during the existence of this struggle, in its full force, it might not be safe to admit to political power the professors of any other than the predominant national religion, and that such a state of things justified exclusion; still, if that state of things no longer existed, if the struggle between patriotism and religious sympathy was at an end, if in all the nations of Europe, whatever might be the form of their government or the modification of their faith, that line of demarcation was effaced (with the exception, he would admit, of Spain and Portugal, where the Reformation never made its way, and where therefore the materials for conflict and subsequent reconcilement had not been created); and if we still saw that line in full force among ourselves, if we found the only trace of that demarcation in this country, a country blessed with a greater portion of regulated liberty than any other—a country in which every individual, born in whatever station, could rise to the highest honours under the Crown by the exercise of talent, industry, and virtue; must not we be at a loss to reconcile this inconsistency; and ought we not to look anxiously to the time when it would be entirely removed?

He, therefore, did not contend—his argument did not require that he should contend—that at the period immediately subsequent to the Reformation those who continued attached to the church and court of Rome, after the bulk of the population of England, as well as its Crown and Parliament, had embraced the tenets of the Reformation, and abjured all temporal as well as spiritual allegiance to the Pope, might not be justifiably excluded from political

power. He troubled not himself with any reasoning upon this point; but he did contend for the fact, that whatever disqualification was then imposed on the Roman Catholics by the governing power, was justified on the ground of danger from foreign interference, foreign connection, and foreign allegiance; and that, without one exception, that danger was stated as constituting the sole necessity for such disqualification. But where was *now* the danger of foreign interference, foreign connection, or foreign allegiance, which justified the maintenance of that distinction in this country which other countries had abolished? He called upon the House, therefore, to reform so unjust an anomaly, if it could with safety be reformed. By the acts which excluded Roman Catholics from Parliament, foreign allegiance was distinctly stated as the cause of the exclusion. It was stated in the statute of Elizabeth the more distinctly, from the partiality of its operation. The Roman Catholic commoners were excluded by it from seats in the House of Commons; but the right of the Roman Catholic peers to sit in the House of Peers was not taken away. And why? because the Roman Catholic peers were less Catholic than the commons?—because the Commons continued to hold doctrines which the lords had abjured? No such thing. In this respect there was no difference between them. The reason was avowed to be this: the Queen having other means of ascertaining the fidelity of the peers, it was therefore not necessary to exclude them. It was not therefore doctrine or dogma; it was not transubstantiation, but political attachment, which formed the ground of admission or exclusion. The individual peers being under the Queen's immediate eyes, she could satisfy herself of their political allegiance and attachment; but the multitude of the commons precluding any such personal security, it was thought necessary to exclude

them from admission to Parliament. So much for the principle of the law. And now what was the extent of its operation? A period of about 260 years had elapsed since the statute of Elizabeth was passed. For not much less than one-half of that period commoners alone were excluded from Parliament—peers continuing to sit there. During that time, therefore, at least, there was no change in the policy of the exclusion. It rested on the grounds on which it was originally enacted—dread of foreign allegiance, not danger of popish faith. In fact, the religious reason for the exclusion, dated only from the act of Charles II.—an act passed in a moment of delirious fear and fury—the sure advisers of indiscriminate violence, and comprehensive and unsparing proscription. Then, for the first time, the creed of the Roman Catholic was made the test of his political loyalty. The belief in transubstantiation was taken as equivalent to disaffection, or rather as an unfailing indication of it; and, tried by this test, the hitherto unsuspected Roman Catholic peer could not but be involved in the general disqualification of his Roman Catholic fellow-subjects. Now, he must be allowed to ask, why was the danger so much greater at the present moment than it was in the 5th of Queen Elizabeth—than it was from that time to the 30th of Charles II.? For the present, he left the commoners out of view; but, as we were to go so much by the wisdom of our ancestors, why might he not put our older ancestors against our more recent ones—the days of good Queen Bess against those of the second of the Stuarts, and humbly inquire, upon what imaginable ground, if the peers of Elizabeth's time, who professed the Roman Catholic religion, should have been suffered to mix in affairs of state, it was unsafe to admit the peers at the present day? Upon what strange apprehension or possibility were Catholic peers not only excluded, but deprived of their birthright?

For, be it remembered, they continued peers of England; they enjoyed their titles of precedency; but they must not take their seats in Parliament. They had been summoned to attend on a late trial, and were obliged to pay the postage of letters inviting them; but they were not allowed to come. It was safe that they should be summoned; but it was not safe to remove the objections to their complying, to their exemption from postage, and admission to take their places. Not a word had been said in justification of this strange inconsistency and injustice. The peers' right to sit in the peers' house, in fact, was only suspended. Was it possible to conceive this suspension necessary? Were the Howards and the Talbots so degenerate from the character of their ancestors that the Constitution would not be safe if they were admitted to the seats which they claimed under that Constitution? So much as to the peers, whose case he verily and in all sincerity felt to be quite irresistible.

Now, as to the lions who were roaring in our own lobby, who, if we once admitted them, would turn us out of doors. He could not reason with antipathies. Some persons had such an antipathy to cats, that they were sensible of the entrance of one into a room before they saw where it was perched. He (Mr. Canning) never felt annoyed at sitting, as he often had done in that House, next to a dissenter. He really could feel no apprehension of that sensitive kind. He would grant, for the argument, that one hundred Catholic members might be returned, partly from Ireland and partly from England; he would grant that they would combine; he would grant that they would combine for overturning the ecclesiastical establishment: but, granting all this, he asked how they were to go about it? It must be—1, by force of reasoning; 2, by force of numbers; or, 3, by force alone. Was it that the eloquence of the one hundred mem-

bers would succeed in persuading gentlemen attached to the Protestant establishment to join them in destroying it, in order to make way for the magnificent edifice of mitred popery? Could any one believe that the members who might, in consequence of this bill, be admitted to seats in Parliament, would move such a project? or could any one suppose for a moment that the slightest motion which had such an end in view, would not be resisted?

An honourable and learned gentleman (Mr. Wetherall) had exemplified what the opponents of the Catholics understood by force of reasoning in a singular manner, when he said, the other night, with respect to Archdeacon Paley's arguments on the subject of the Catholics, that if he were called upon to refute the archdeacon, he would throw his book into the fire. The honourable and learned gentleman was, in this mode of settling a dispute, only imitating, and imperfectly, the first great disputant of the reformed religion, Henry VIII.; who challenged a poor schoolmaster to debate some article of faith with him, on this condition, that if he, the schoolmaster, was worsted in the argument, he should be burnt as a heretic. It was unnecessary to add, that victory declared for the king; and the poor schoolmaster was accordingly thrown — where the honourable and learned gentleman proposed only to throw the archdeacon's book,—into the fire. Against such a form of syllogism, he would not answer for it that the honourable and learned gentleman himself, with all his protestantism, would be proof. But happily, it was a form which could only be applied by those who possessed a superiority of force of another kind, from which he trusted, in this case, there was no apprehension to be entertained. As to superiority of numerical force in the legislature, it was really visionary to apprehend it. Look at the distribution of property throughout the whole United Kingdom; and whence were the overpowering numbers of

Catholic representatives to come? As to physical force, what tendency had this measure to alter its proportions? And was the rejection of the present measure the best means of calming any ebullition of that kind? Was it the safest remedy to say to the Catholic, that you shut your doors upon him for ever? It would be idle to suppose that any scheme of representation could ever be so arranged, as that the sentiments of every individual in the country should be directly represented. Few persons had expressed their opinions to that effect, more frequently or more decidedly than himself. But still, he must admit, there was a difference between that general or virtual representation which he contended ought to bound the wishes, as it satisfied the wants and protected the interests, of all classes of the community, and an absolute exclusion of any one class from the capacity of representing. He would ask whether it was not carrying the doctrine of virtual representation a little too far, to say that the Catholics were virtually represented, when the first oath to be taken by every member of the House of Commons, was one of abhorrence of their religion, as incompatible with the safety of the state? The way then to avert the danger of external force (granting for argument's sake, what he denied, that any such danger existed) was, to afford vent to the feelings of the Catholic within the walls of Parliament; to give to him the capacity to represent, as well as that of being represented; and thus to cure, with respect to Ireland, where the elective franchise has already been extended to the Catholic, an anomaly in legislation, which cannot, in the nature of things, be suffered long to endure.

But not the elective franchise only—a privilege of the utmost civil importance—but the army and the navy, from their lowest to their highest ranks, had been now opened to the Catholics: a concession after which it was difficult to

say whether it was more impolitic or unjust to continue the exclusion from civil power,—to exclude from seats in Parliament. An honourable and learned gentleman had been mistaken, when, arguing on this subject on a former night, he had spoken of this concession as one growing out of former discussions in Parliament. In truth, it had happened, rather than been contrived or foreseen. It had come, as many blessings do come upon mankind, in spite of argument and decision. The dangers of admitting the Catholics to commissions in the army and navy had been argued as strenuously in the last debates on this question, a few years ago, as ever before; but in the mean time, the thing had done itself, without interference or observation. The exclusion of the Catholics from the army and navy had rested upon certain oaths, directed by certain statutes to be administered to all officers in either force on receiving their commissions. By a lapse, of which no one could trace the date, these oaths, which had been always rigidly enforced in the navy, had fallen into disuetude in the army. Upon this discrepancy in the practice between the two services being quite accidentally discovered, it became a question whether the army should be recalled to the strictness observed in the navy, or the navy should be put on the footing of the army. The latter course was adopted, and thus was the service in both instances thrown equally open to Catholic and Protestant ambition. Such being now the situation of Catholics in this respect, he would beg the committee to consider the grievance which it must be to a Roman Catholic, descended of one of the great families of England, who, following the brave example of his ancestors, had merited the thanks of his country; what a grievance must it be to him, that, after having earned the reward, he should be deprived of it on account of his religion. He would suppose a Roman Catholic officer to have commanded under Nelson at Tra-

falgar, or under Wellington at Waterloo; his Protestant leaders and companions are ennobled, and take their seats in the House of Peers, but the Catholic, even though that Catholic were the first in his rank in the kingdom—even though already in the rank of the peerage—must be turned back from the door of that House, into which, if a Protestant, his valour and his services would have opened the way. Now this was a state of things which could not last. It was a monstrous inconsistency in our system, and he conceived that we could not have a better time to remove it than the present. As we had gone so far already in the work of conciliation, sooner or later this too must be done.

His right honourable friend (the Speaker) had supported the present clause for the exclusion of the Roman Catholics from seats in Parliament, with the impression that, as the adoption of a similar clause had been fatal to a similar bill on a former occasion, it might prove so at the present moment; but he hoped, whatever might be the result of this motion —however the committee might decide—that it would not stop the progress of the bill. He trusted that, in whatever shape the bill might come from the committee, unless indeed it were very materially altered, it would pass the House.

It was said in the debate the other evening, that if Catholics were admitted to seats in Parliament, they might be admitted as governors of colonies. Now, he should like to know what act it was which could prevent the Crown from the appointment of Catholics to the colonies at the present moment. He was not aware of any. The 25th of Charles II. excluded them expressly and specifically from being governors of Guernsey or Jersey: but if that was the act relied upon, the very specification of these places left other commands open. Upon this point, however, he was willing to listen to any suggestion. He thought it of

small importance, compared with the general scope and provisions of the bill.

With respect to the interference of Roman Catholics in ecclesiastical preferments, this bill expressly and anxiously provided against it. The office of Lord Chancellor of England was excepted, because he had ecclesiastical preferments to bestow; as was, for the same reason, the Lord Lieutenant of Ireland; and he had no objection to extend the like exception to all places which had ecclesiastical patronage. But it was objected, that a commission for the filling up of ecclesiastical appointments would be a clumsy remedy,—that the nomination to church preferments rested with the prime minister, and that if he were deprived of it, it would be taking the first feather from his wing.

Now, in the first place, it was by no means true that the dispensation of church patronage was necessarily vested in any particular office; or that any particular office necessarily constituted what, in common parlance, though not in the language of the Constitution, is called a prime minister. Lord Chatham was prime minister when lord privy seal; and the patronage of the church might, without any violation of form or usage, be delegated to any minister to whom the Crown pleased to assign it. Nor was the expedient of a commission to nominate to church preferments so novel and unprecedented a contrivance as gentlemen seemed willing to believe. There was a precedent for such a commission, and in good times too, in a reign, and by the act of a sovereign whom those who took this objection were particularly bound to reverence, whose every act but this they were never weary of quoting in these debates—he meant King William. That sovereign, in the year 1695 (he believed, but the fact was to be found in all histories of the time) appointed a commission, consisting of an archbishop and four bishops, who had authority to prefer to all ecclesias-

tical benefices and dignities, and the reasons given for it was that they were more versed in those appointments than the Crown. A commission, therefore, for the same object, at present, could not be considered as a new, nor, after such authority had been produced for it, could it again be called a clumsy contrivance.

Another objection, which he heard with some surprise, was, that Protestants would have a conscientious scruple about taking the oath which recognised the existence of Catholic bishops. Hitherto, it was said, no such order was known to exist. This he considered to be no more than a quibble. We admitted the ordination of a Roman Catholic priest to be valid; and it was difficult to admit that, without acknowledging the existence of a Roman Catholic bishop. Nay more, if a Roman Catholic priest should become a convert to the Church of England, and should be presented to a living in the Protestant Church, re-ordination was not considered necessary: so that we not only admitted the ordination, but we took the man so ordained into the bosom of the church. And how had that ordination been obtained but at the hands of a popish bishop? But the statutes went farther. By the 11th and 12th William III., chap. 4, it was enacted, "that whereas popish bishops resorted to this country in greater numbers than formerly" (a pretty clear admission of their existence), "a reward of £100 would be given to any person informing of the residence of such popish bishop, such bishop incurring the pain of perpetual imprisonment." This surely applied to a description of persons whose existence and character were admitted. It was true that the popish bishop would not fetch his £100 now; for, by the 18th George III., this part of the act of William was repealed. We now, therefore, not only acknowledged the existence of popish bishops amongst us, but allowed them to be here

at full liberty. Under these circumstances, he thought that the Protestant must have a very tender conscience indeed who would not take an oath which implied the existence of Roman Catholic bishops.

The right honourable gentleman then adverted to the intercourse between this country and the see of Rome, and asked whether any doubt existed as to that intercourse being carried on at the present moment, to as great an extent as if there never had been any interdiction at all? By the 13th of Elizabeth it was made treason to receive any bull, rescript, or indulgence, from the see of Rome, in this country. But did a month or a week elapse in which such things were not received at present? If it was right to prohibit them, in the name of God, let it be done effectually; but if the intercourse were to be permitted, what ground of objection could there be for subjecting it to regulation? Why should it not be so subjected in this, as it was in all other countries? They were told, indeed, that certain Roman Catholic priests said that they would not agree to the measure. He would ask, if any other portion of His Majesty's subjects would thus presume to dictate to the Parliament? He knew of no sanctity which hedged in a popish priest, by which he should be authorized to interpose his private judgment, or his private conscience, between the benevolence of the legislature and the wishes of his fellow subjects. The Roman Catholic peers had expressed their willingness to take the oath prescribed (three of them, he understood, were prevented by absence from signing the the petition), and he would confidently act upon their opinion. The priest might clamour if he pleased; he might roar, like the tyrant of old, in one of his own bulls; but what was the loss of his influence and patronage, compared with the mighty and unspeakable benefit to be derived from bringing under one com-

mon bond of union the whole mass of Catholic and Protestant population? He hoped the House would not be deterred by such attempts, from giving to the Roman Catholic peers of this country their birthright, and admitting the fair claims of the other portion of the Catholic community.

It was his anxious wish to see this great question happily set at rest; the great body of the Roman Catholic clergy and laity were ready to join in the measures necessary for the contentment and satisfaction of Protestant scruples. He admitted that the change was an important one; but it would be a change of progression, not of revulsion: it had for its object the reconcilement of both parties, and in their union the better security of the interests of both. The present period was peculiarly favourable. After a season of storms there was one gleam of sunshine: let the House take advantage of it; and let them not counteract what ought to be its effect, by casting millions back into gloom and despair.

The Committee divided—

For Mr. Bankes's amendment .	211
Against it	223
Majority	12

APRIL 2nd, 1821.

Mr. Canning, in the course of the debate on the third reading of the Roman Catholic Disability Removal Bill spoke to the following effect:—

Mr. Canning* observed, that his right honourable friend (Mr. Peel) who had taken so active a part against the bill, complained, that those who took the same side as himself

laboured under great disadvantages, seeing that they were unfairly called upon to become the champions of those laws which had existed against the Catholics from the Reformation to the present time. But he (Mr. C.) felt, on the other hand, that those who took that part in favour of the bill, which, from conviction, he had found himself compelled to take, were placed in a situation equally difficult; for it was assumed, that every argument which they brought forward was an attempt to disturb the peace which had hitherto prevailed, and to launch out into an untried sea of speculation. He claimed, then, for the advocates of the bill, that the system which they wished to introduce should be compared, not with an uniform and recognised system, but with admitted anomalies, with the state of things which had produced the recent innovations. His right honourable friend deprecated a recurrence to that period when the laws against the Catholics had been in their full force. He would not resist the appeal, because he felt unwilling at the close of a debate which had been marked by such unexampled moderation, to create any new source of contention, or to send forth the bill to the country as a firebrand instead of an extinguisher of discord. If, like his right honourable friend, he could believe that religious animosities would be more likely to be healed, and the excluded Catholic more likely to be contented, if this bill should not pass, he should be satisfied not to press the House to a completion of the present measure; forasmuch as the great object which he had at heart in the support which it was in his limited power to give to it, would then be accomplished. Nay, if the question were as to a system of which the reason was well matured, or the antiquity long established—as to laws which had not been continually changed, and as to circumstances which had not gradually varied—if it had been proposed to destroy that which was tolerable,

in favour of a fancied amelioration, he admitted that in such case a heavy burthen of proof would indeed be thrown upon the supporters of the bill. But the measure proposed was to be compared only with imaginary content and fictitious tranquillity; it was another change in laws which had been continually changing; it was not the first of a series, but a crowning act of mercy to complete the improvements of half a century.

The right honourable gentleman than examined the view which Mr. Peel had taken of the different eras of legislation, respecting the Catholics; he denied that even at the time of the Revolution the dangers were such as warranted the system pursued towards the Catholics; but surely the dangers which then did exist, now existed no longer. Religion had then mingled in the political concerns of Europe, and directed the course of wars, and changed the dynasties of kingdoms. Now, struggles of a quite different nature had begun, which were destined, perhaps, to produce effects as stupendous as the wars which followed the Reformation.

The right honourable gentleman then went on to argue, that it was to be gathered from the murmurs of the Roman Catholic clergy, that at least this bill might be considered a boon to the laity; that its provisions were not of that character which some of its enemies represented; and that the Catholic clergy did not look upon the bill as causing so much evil to the established Protestant Church of Ireland, as the House was called upon to apprehend from it. Depend upon it, if the character of the bill was what its adversaries represented it, and if the Roman Catholic clergy were also as ardent for the prosperity of their own church, and as wise in their generation, as they were argued by the same authority, and admitted by him, to be—any little discontent which they might have felt from the fear of a

diminution of their influence over their flocks, would have been more than counterbalanced by the contemplation of the advantage to be derived from the operation of the bill, to the exaltation of the popish, at the expence of the Protestant establishment and hierarchy. The murmurs of the more violent Roman Catholic prelates were, therefore, to him (Mr. Canning) one conclusive indication of the probable tendency of the bill to confirm and consolidate the Protestant Church in Ireland.

He next touched upon the number of Catholic members that were likely to be introduced by it into Parliament, contending, in contradiction to the opponents of the measure, that instead of seventy from Ireland, and thirty from England, the utmost that would probably be returned would be a dozen in the whole. Admitting, however, as he had, in a former debate, for argument' sake, that more might obtain entrance—allowing even that the vision of the hundred knights was to be realised—still he asked in what way would they be able to set about the destruction of the Constitution? The other side, who talked so much of danger, was bound to shew from whence it would proceed, and how it would operate—in what way the Catholic representatives would succeed in corrupting the rest of the 568 members, or at least the whole of the minorities on the late divisions on this subject, and the greater part of the supporting majorities.

He contended that the measure was eminently calculated to conciliate the Irish, and to cement the Union; the recentness of which was to be considered as an advantage instead of an objection, inasmuch as expectations indulged since that event were now to be realized; promises and pledges were to be fulfilled before hope should have been so delayed as to make sick the heart. In the Union, then, he found one of the strongest reasons for enacting the bill. For

what was the state of Ireland in its relation to this country? Of fifteen millions of subjects, five were separated from the rest, divided from the general body by the channel. "How," said the honourable gentleman, "are we to deal with them?" Yes, that is the question on which depended all. To that consideration we must come at last, whether this bill were thrown out here or elsewhere. In that separated island were to be found four millions of Roman Catholics; and one million of Protestants, placed as garrisons in an enemy's territory; of which last million, one-half were the dreaded dissenters, from whom so much danger had been feared. Should we, then, incorporate the hearts and feelings of four millions of Catholics, in the same manner as we had incorporated their laws, their commerce, and their institutions? Should we unite them to Great Britain firmly and effectually? or, by a mistaken policy, coerce them in proportion to our danger? After half a century of concessions, should we now stop short; and, referring to the wisdom of our ancestors in the period preceding those concessions, should we, after having again conquered the Irish, again degrade them into helots, in order that we might fear nothing, unless a servile war? No man had openly avowed that policy. The system of laws formerly devised to bring to completion that odious project, and the effects produced by it, no human being was willing to revive. That time was past, the question was not now, as in the beginning of the reign of George III., between the maintenance of that system, and a beginning of a milder policy; but between the memory of that system, and the completion of the benevolent legislation of the reign of George III., by raising those who were its victims to the level of ourselves.

The right honourable gentleman* who had introduced this bill, with an eloquent precision that would not have disgraced

* Mr. Plunket.

Tacitus, pointed out in his speech, as in a funeral procession, the statues of those great orators who had distinguished themselves on this question. Among the names he (Mr. Canning) had missed one,* now no more, never second in the zeal of his resistance, but whose place had this evening, for the first time, been amply supplied by an honourable and learned gentleman (Mr. Ellis, of Dublin) from the same country; indeed, so amply and efficiently, so much in the spirit and manner of the great original, that little was left to be desired, as applied to that honourable substitute, he might, perhaps, be allowed to parody two well known lines:

"The tone, the topics opening to my view,
Methinks I see my Duigenan here anew!"

He must observe, however, that in one part of his argument, in one only, that honourable and learned gentleman had been somewhat unfair. He had objected to the bill as a fault, that it contained a clause, excluding Roman Catholics from several parochial offices; a petty species of legislation in the honourable and learned gentleman's view, and altogether unworthy of so great a subject. Now surely, the honourable gentleman who had watched the progress of the bill with so much solicitude, must know that this fault, if it be one, was not the fault of the framers of the bill; that this merit, if merit it were, was wholly attributable to the zeal of his right honourable friend, the honourable and learned gentleman's leader in these combats (Mr. Peel); who foreseeing with admirable prescience that danger to all the affairs of the parish, to which the honourable and learned gentleman appeared most un-

* Doctor Duigenan, who, though a most violent opponent of the claims of the Catholics, was married to a Catholic lady, had a Catholic chaplain constantly resident in his family, and is supposed to have died a member of that religious persuasion.

accountably insensible, had provided by this special clause for their protection. His right honourable friend (Mr. Peel) would, he was sure, give him (Mr. Canning) due credit for his forbearance in not having before taken any notice of this mighty effort of legislation. It was very, very tempting; but he had purposely forborne; though certainly nothing since the famous memoirs of P. P., clerk of the parish, had exhibited so fine a specimen of parochial politics. But to have this clause fathered upon the framers of the bill, and by one of its own near relations, was more than flesh and blood could bear. His right honourable friend must forgive him, if, upon such a provocation, he could not abstain from swearing it to its true parent.

It was, however, a consolatory circumstance to see how his right honourable friend's arguments against the measure before the House had dwindled. Formerly, nothing was heard of, in conjunction with this measure, but a tottering throne, a trembling crown, a shaking sceptre; but now the chief danger was described as threatening parish officers; formerly the appalling question was, how, after such a bill had passed, should we be able to support the Church Establishment? now, it is only how shall we repair the parish church? Comparative trifles now occupied one who before had dealt only with the most magnificent declarations.

——— "Nunc reges, atque tetrarchas,
Omnia magna loquens;—Nunc—
Vestries atque *Churchwardens!*"

He trusted that a grateful posterity would remember, with becoming honour, the legislators who had wisely placed such guards, not round the church, but round its overseers. Let not the House, however, be impeded by the smaller obstacles, any more than by those which are now removed: let it not, in its full march to the liberation

of five millions of fellow subjects, be stopped at the top of the hill, and turned back by his right honourable friend and his churchwarden.

Referring now to some general considerations, the right honourable gentleman expressed his decided opinion that the provision for the Catholic clergy ought to be made a matter of subsequent consideration. He desired the House to contemplate the Catholics in their real character, maintaining that, *à priori*, a Church of England man would be more ready to admit to equal privileges one who disagreed merely on such a speculative matter as the doctrine of transubstantiation, than one who denied the great fundamental doctrines of the Trinity, the atonement, and the divinity of the Saviour. Yet every day dissenters were admitted to take the oath at the table, and to share the honours and labours of legislation; there were more points of agreement between the Church of England man and the Catholic, than between the Church of England man and many of the dissenters. If the House went back to times of dangers and of terrors, was there more dread to be apprehended of the renewal of the fires of Smithfield, as in the reign of Mary, than was to be feared of a repetition of the acts of the Covenanters in the reign of Charles I.? The character of the modern Roman Catholics was not to be sought from the preambles of the acts of Elizabeth, James I., or Charles II., but from the preambles of the acts which had passed both in the English and Irish Parliaments since 1778. Let not the House, then, dwell only on points of difference, without adverting also to those of resemblance: let it recollect that Catholics and Protestants were fellow christians; that they were fellow subjects; that their blood was mingled in marriages; that it had often been mingled in the field; that the Catholic had gone before the Protestant in resistance to foreign dominion; that together they had framed

and supported the Constitution, and together they ought to enjoy it. The time was now come when public feeling was decidedly in favour of the concession, provided it were temperately carried, and provided those whom it was intended to relieve, did not dash the cup from their lips. For the temper of Parliament he could answer; but for the temper of the Catholic clergy he could not be a guarantee. If, however, they had a spark of patriotism, or if they felt that love for their flocks which they pretended, they would not impede the progress of legislation by hopeless and interminable agitation! By conjuring the House to pass this bill, regardless of those angry squabbles without doors and petty difficulties within, which must encompass every measure of such magnitude, he conjured them not to stop short from any feelings of false pride—not to incur the responsibility of having taught a people to seek for general peace at their hands, and of then forcing them to retire back upon themselves. Let us rather, in the language of both liturgies, exclaim *sursum corda!* Let us raise our hearts to the Dispenser of all Good, and, with that elevation of soul, let us proceed in that great work which we have begun, and which, sooner or later, will find its own way to the final consummation, so devoutly to be wished by all good men. The conclusion of the right honourable gentleman's speech was loudly and ardently cheered.

The House divided:

Ayes	216
Noes	197
Majority for the third reading of the bill	19

The bill was then read a third time, and passed.

DUTIES OF THE BOARD OF CONTROL.

MARCH 14th, 1822.

Mr. Creevy submitted the following motion—"That it be referred to a Select Committee to examine into the different duties annexed to the office of the commissioners for managing the affairs of India, and by whom the same are performed; and to report their observations thereupon to this House."

Mr. Canning* said, he rose under the same necessity that had called up the right honourable gentleman opposite, allusion having been made by the honourable mover to him (Mr. C.) and to his conduct of that office which he had recently had the honour of filling for five years. He felt it his duty to say of the right honourable gentleman (Mr. Tierney), that at no time, so far as his retrospect carried him back, was the office of President of the Board of Control more efficiently discharged, than it had been by the right honourable gentleman. In many points referred to they both concurred; and with respect to some in which they disagreed, the change of circumstances, the progress of time, and the increase of business in the office, would, he believed, account satisfactorily for the difference. What he should have to state on the subject of the motion would be, like what the right honourable gentleman had stated, more in the shape of testimony than of argument. But before he proceeded to make that statement, and therein to lay the grounds of his objection to the motion of the honourable gentleman, he would beg leave to call the attention of the House to the precise nature of it, and to the circumstances under which it was brought before the House. The motion, then, had

for its object the reform of a great and important department of the public service; and it turned out that one honourable member who made the motion had been secretary, and another right honourable gentleman who supported it, the presiding minister in that department; and that, both from their own respective statements and from the notoriety of the facts, it was established that one of them had been a most efficient, the other a most inefficient officer of the board. Such being the state of the case, if the right honourable gentleman, the former President of the Board of Control, had brought forward a motion to ascertain the manner in which the business of the office had been carried on, in order to see what part of the duty had been satisfactorily performed, and where there had been a failure, and had concluded by moving for a committee to inquire into the conduct of an idle secretary of that board—had such been the character of the motion, he could have understood the motives which brought the subject before the House. But as the only data yet offered in support of a proposition for reform, was the assertion, or rather the just boast, of efficiency on the part of the right honourable gentleman who had been president, and that efficiency aided by material assistance from the commissioners, but altogether unaided by any help whatever from the secretary, it was most extraordinary that this idle secretary should be the identical person to bring forward a motion for reform. This was reform with a vengeance! But it was a picture—and not an unfaithful picture—of the principles on which reform was clamoured for upon a thousand other occasions; and if they could trace the greater part of those clamours to their source, they would find, on inquiry, in nine instances out of ten,—*Habetis confitentem reum*—that the evil existed where the clamour arose. It was most extraordinary, that any person could be so completely

blinded by his own fancies, or by his own pamphlets, as to come forward with such a motion under such circumstances, announcing his own utter inefficiency, "*Me, me, adsum qui non feci,*" or rather "*qui nil feci*"—I am the man who did nothing; and I now call on you to inquire, why those who were associated with me, and who were diligent and laborious, failed to follow my example. I call on you to demand of them why they should thus break in upon the practice which my conduct went to establish, and disturb, by their troublesome activity, the stillness of my stagnation. The honourable gentleman stated himself to have been well paid. He had received £1,500 per annum, yet all that he had to do, at least all that he had done, was to amuse himself with the newspapers. The President, indeed, was engaged in the *penetralia* of his inner cabinet, in forming plans for the good government of India; but the honourable gentleman had told them, "I washed my hands of every thing of this sort; I did not occupy myself in any such a way. I had only to repose myself in my office, and to look from the window into the park, to amuse myself with what might be passing there; and now I come to revenge myself on those whose industry formed so strong a contrast to my inactivity, by calling on the House to inquire into the manner in which those duties were performed, no part of which certainly was performed by me." Now, if the authority of the individual bringing forward a motion was to pass for any thing in that House, it was a little too much that they should be called upon to go into an inquiry, when no earthly grounds were laid for that inquiry, but the confessed fault of the party calling for it—when the grounds of the motion which he made were really and substantially laid in the inculpation of no man living except himself.

He (Mr. C.) did not wish to overstate the importance of

that department of the state which the honourable gentleman had attempted to run down. The right honourable gentleman opposite, who, during the short period of his presidency, had applied himself so closely and diligently to the duties of his office, had stated them to be duties of some importance. He, however, hoped that that right honourable gentleman would not be offended with him, when he assured the House, that the actual business of the Board, in point of extent, delicacy, and difficulty, compared with what it was at the period when the right honourable gentleman presided over it, partly from circumstances arising out of the renewal of the Company's charter, partly from the political and military changes which had since taken place in India, had materially increased. The circumstances to which he had alluded, would, of themselves, in a great degree, account for the burthen of affairs now thrown upon the Board of Control being much heavier than formerly. He could not of course speak as to the former period from his own knowledge; but, from the information he had obtained from others, he could state, that if they compared the present state of the business at the India House and the Board of Control, with what it was in 1793, it would be found to have increased nearly a hundred fold. This he stated without fear of contradiction; and, what was still more to the purpose, he could assure the House, that it had increased, within the last five or six years, in the ratio of 20 per cent. If, then, two commissioners were found necessary in 1807, when the honourable mover and his right honourable colleague were in office, it was surely not too much to say, that no reduction in these commissioners ought to take place at present.

During the debates on Mr. Fox's India Bill, no question had been more argued, than whether the control of the India Government should be vested in one person, or in a

Board of Commissioners. Mr. Pitt and Mr. Fox, though they had widely differed in many respects, perfectly agreed in this—that a Board was the fair instrument, not for the Government—for there the mistake had been—but for the control of the Government of India. A Secretary of State was not the fit person for superintending such a Board. A Secretary of State was the servant of the Crown, by whom the pleasure of the Sovereign was signified. It was not so in the Board of Control. In this office the King's pleasure was never signified. The duty of the Board was great; but it was not an original, acting duty. With a trifling exception, which he would afterwards mention, the Board originated nothing. He had no wish to enter into the details of such a subject, nor would he now proceed to do so, if it had not been actually forced upon him. The course of business, so far as related to despatches sent out to India, was this. The despatches were prepared by the Court of Directors, and sent up to the Board of Control for revision, correction, or approbation. No despatch could be sent out to India without the approval of the Board of Control, signified by the signatures of three commissioners. He did not mean to say that many despatches were not forwarded in the form in which they were first prepared; but, in others, it was found necessary to make corrections, or additions, which were again sent back to the Court of Directors, assigning the reasons and adducing the motives which required such alterations. Now, such a course of proceeding afforded a guarantee for the diligent performance of the duties of the several parties concerned. If the president or the commissioners were even disposed to be idle, the House would evidently see, that where they were obliged to give their reasons for any proposed alteration or omission, no man would risk his reputation in giving such reasons, unless he had previously made himself acquainted with the subject.

Such was the legal course of proceeding, prescribed by the Act of Parliament, and in no instance ever omitted. But custom had introduced another course, which, though it seemed to give additional trouble in the first instance, was calculated ultimately to save it. Previous to an important despatch being made up at the India House, its substance was usually, by courtesy, communicated to the President of the Board of Control; so that if there was any fundamental objection to the principle on which it was framed, this could at once be stated, confidentially, without committing the two authorities against each other; and the Court of Directors might be advised that it would be better not to draw up their despatch in such a shape. On this intimation being given, the plan of it was commonly altered. When the Directors were determined in their opinion of the propriety of the course they intended to pursue, then, not being in every degree bound to conform to the opinion of the president, thus confidentially and unofficially communicated to them, the despatch was sent up to the Board of Commissioners as originally drawn, and had to go through the usual forms. It was then, perhaps, sent back with such alterations as were considered necessary. This would sometimes produce a remonstrance; to which a reply became necessary, and that reply frequently led to verbal as well as written communications. From this detail two things were evident; 1st, that this sort of amicable discussion is not the proper function of a Secretary of State—who signifies the King's pleasure, which is of course not liable to question or remonstrance. Secondly, That no man can execute the duty of a first commissioner, nor the duty of a commissioner of such a Board, without making himself thoroughly master of the business that comes before it, or of such part of that business as the presiding commissioner may think fit to assign to him.

That it might be seen what was the weight of business thrown on the Board, he had caused an account to be taken of the number of despatches which had passed through it during the time of his presidency. In four years and a-half or nearly five years, he found that the number of despatches which had come before it, amounted to within a few of 1,800: Of these, many of course were passed with no alteration; or with alterations so slight that they were hardly worth entering into a controversy about. But all must have been read, even to pass unaltered; and about one-tenth of them had been thought to require such alterations as had led to detailed expositions of reasons, and to discussions with the Directors—not certainly of a hostile character, but often very long and complicated. Nor was that all: for almost all despatches came up accompanied by papers and documents, of such number and bulk, that when his honourable friend, the Secretary to the Board, had pointed to the pile on the table, it appeared to him that nothing but his honourable friend's natural shortness of sight could have led him to magnify that pile into any thing like an equality with his official collections. It gave, in truth, no adequate idea of the bulk of papers and documents to be perused by the Board. This subsidiary mass accompanied the despatch, not like a little attendant bark, which—

"Pursued the triumph, and partook the gale;"

but with a proud and portly importance of its own, which often threw its principal into the shade. It was said, that there was no great labour in getting through these despatches, and he had been asked the time which they consumed? He should answer the question by a few examples. He had seen a military despatch accompanied with 199 papers, containing altogether 13,511 pages; another, a

judicial despatch, with an appendage of 1,937 pages; and a despatch on the revenue with no fewer than 2,588 pages by its side. This, then, was the modicum, which, be it observed, must be read by somebody at the Board; this was the sinecure, the little appendage, which might be so conveniently transferred to the Secretary of State for the Home Department, or to the office which transacted the affairs of the colonies of half the world. He did not believe that the physical strength of any single secretary would suffice to get through his part of the business, and the president must be utterly overwhelmed with the detail, before he could get at the substance, if he were, to take that detail upon himself. It had been pretended, that an active president, with a diligent secretary, could get through the whole with ease. He ventured to pronounce it utterly impracticable.

He would state the means by which this business was disposed of at present. In the first place, much credit was due to the servants of the East India Company. The papers received from them were drawn up with a degree of accuracy and talent that would do credit to any office in the state. The Board could not, with all the talents and industry of the president, the commissioners, or even of his honourable friend, their tried secretary,* have transacted the business devolved upon it without the talents and industry with which that business was prepared for them at the India House. Now, taking the despatches at three hundred and fifty-eight in the year (that was the average number of the five years of his (Mr. Canning's) presidency), including many of those monsters which he had described, as it was necessary, not that the President of the Board of Control should read all of them all through, but that he should look accurately to all those respecting which any doubt had been

* Mr. T. Courtenay.

started, was it too much that he should have two gentlemen to assist him, on whose understanding he could rely, and who would share in some degree, though not in a political sense, the responsibility of the office? It was necessary that he should have such assistants to receive the despatches from the clerks, whose business it was to go through them literally and verbally in the first instance, noting the points on which any question could arise, and referring to the papers substantiating them; and such assistance he had from his honourable friends near him, who had proved as efficient assistants to him, as the right honourable gentleman opposite had found a noble friend of his when he filled the same situation. While he was at the Board, he had never passed a despatch, on which he had not first availed himself of the light of their understandings. He did not say that he had never signed a despatch, in confidence, without reading it; but he had never signed one with which they had not made themselves acquainted, and of which one or other of them had not given him the assurance of their exercised judgment: and never one, upon which they reported a doubt, without carefully and critically examining it. He contended, therefore, that the present machinery was well adapted for the due discharge of the duties confided to the Board; and he was satisfied that it was not too extensive. He should be ungrateful not to acknowledge the assistance he had received from his noble friend near him (Lord Binning), in the judicial branch of the Indian policy, to which, intricate and perhaps repulsive as it was, his noble friend had devoted himself with an ardour kindled, perhaps, by the example of a gentleman already named in this debate (Mr. Cumming). With the greatest thankfulness he acknowledged also the assistance of his right honourable friend, the member for Christchurch (Mr. S. Bourne), without whose aid he would have been in the

utmost perplexity, especially in legal matters and subjects of appeal. In debates, turning (as all debates now did) upon insinuations of personal motives and base corruption, it might not be improper to say, that both his noble and his right honourable friend had gone out of office against his earnest entreaty. If they had yielded to his prayer and wishes, his noble friend would still be rendering that service to our Indian Government which his acquaintance with its affairs rendered him peculiarly qualified to afford; and his right honourable friend would be now filling one of the highest judicial situations in India. That appointment, when he (Mr. C.) pressed it upon him, his right honourable friend had declined, and both were now, by their own free and unchangeable determination, out of office. Against such characters it was, that the House now heard insinuations thrown out, as if the Board were a nest of sinecures: filled without talents, and with emolument unearned by any discharge of duty. While he was thus rendering tribute to individual merit, he could not pass over his honourable friend near him (Mr. T. Courtenay). Whatever blame attached to the increase of his honourable friend's salary, he begged it might fall on him (Mr. Canning). He was prepared to answer for it at the bar of that House—before the country—or even before the committee proposed by the honourable gentleman. When he first went to the Board of Control—a circumstance not of his own seeking, but the result of accident—he found his honourable friend in the situation which he now filled so much to his own honour. He only knew the secretary at that time, as the reputed author of a pamphlet in which he (Mr. Canning) was pretty severely attacked for a speech he had made in that House. It would, therefore, be readily conceived, that they did not approach each other with any feelings of extraordinary personal prepossession; but the patient indus-

try, the unostentatious activity, of the honourable secretary, had made him feel it to be his duty to raise his salary from a state of depression to a level with offices, to which it was not inferior in importance. He had found the honourable gentleman in the receipt of £1,800 per annum. He was desirous of augmenting his income; and an opportunity presented itself of doing so, as the result of a measure of economy. The chief clerk's situation fell vacant; he had thought that office might be dispensed with, and accordingly it was not filled up. Two other offices, which were nearly sinecures, he had taken measures for putting an end to, at the expiration of the interest now existing in them. He had thence gained the means, as he thought, both of strengthening the efficient part of the office and compensating the services of his honourable friend. He understood it had been said, that his honourable friend had extorted successive augmentations by successive and humiliating supplications. In refutation of this insinuation he would read the minute of the Board respecting the augmentation of the secretary's salary.

[Here the right honourable gentleman read a minute which, after alluding to the diligence and length of service of the secretary, resolved that he should have an increase of salary of £200 immediately, £200 more at the end of five years, and £300 more at the end of seven years, making altogether £2,500 at the end of ten years.]

It appeared from this minute that, of what had been arranged for his honourable friend, part was yet incompleted; and if he (Mr. Canning) had any weight on the subject, he, as the deceased president, bequeathed the performance of it as a legacy to his successor. This would place the office of his honourable friend in the same situation with that of the under secretary of state, with which its business might, without disparagement, be compared. It had

been stated by the honourable gentleman that the chief secretary to the commissioners was entitled to the advantages of superannuation. No such a thing. This was the single office in the state for which no superannuation allowance was provided. He would tell the House how this happened. In 1817, a bill was before the House relative to the provision to be made for the remuneration of persons who had discharged, for a specified time, the duties of high and efficient public offices. In that bill, the President of the Board of Control, and the chief secretary were not included; and the reason given by the report of the committee which recommended the bill for not including them, was that they were to be paid from a different fund—that is, from the money of the East India Company. It was therefore suggested by the report, that a separate bill should be brought in for providing remuneration for those two officers, and upon him (Mr. Canning) it naturally devolved to bring in such a bill. Those who considered the temper of the present times, and the temper of those to which he had referred, would not feel much surprise that he should have felt reluctant to bring in a bill to provide a retreat for the President of the Board of Control, with whose fate that of the secretary was involved. He had besides differed in opinion with the committee, not thinking, as they did, that the charge of such a retreat ought to be thrown on the East India Company. He had therefore declined bringing in the bill—of which he would himself have been the first to profit; and for these reasons his honourable friend had remained the only man of his class who was not so provided for. Under these circumstances, the increase of salary which he had received, was not only what he had deserved, but what he had a right to expect from his (Mr. Canning's) hands. His honourable friend had been nearly ten years in office—he was now to be amerced in one tenth of his

income by the arrangement about to take effect with respect to all salaries—and that at a time when he might beg leave to say (though this was not strictly a parliamentary argument) his honourable friend was in daily expectation of the birth of a tenth child. If there was any man in that House who would say that the salary was too great for such services—if there was any man who grudged his honourable friend such an augmentation—he could only say that he did not envy that man his feelings—and, however he might be inclined to give him credit for economy, he did not feel disposed to share his coldness of heart.

The honourable gentleman who had opened the debate had entered at some length into the structure of the Board; and a cry was raised against the number of the commissioners. Now, to him it appeared that there would be something unseemly in an arrangement which should subject the decisions of a body like the East India Company to be altered and nullified by the dash of a single pen. That a deliberative body should act on such occasions, was not only due in courtesy to the Court of Directors (in fact the Government of India), but was essential to the prosperity of the important interests confided to their care. Mr. Fox—no mean judge of these matters—had he been sparing of commissioners? He had proposed seven principal, and nine assistant commissioners. "O! but then his seven principals were not paid!" "O! but the nine assistants were!" But the grand commissioners were not paid. Not paid! Why, they were to hold their offices for four years, irremovable by the Crown; and they were to enjoy, that of which he (Mr. Canning) had not one jot—all the patronage. After this, he should like to hear it again stated, that men were not paid for their services, who enjoyed the patronage connected with a revenue of sixteen millions. Mr. Fox's bill had, indeed, been over-ruled, but it was elsewhere.

The House of Commons passed it. Of Mr. Fox's commissioners he might say, as Pope said of Bufo's stipendiary poets—

"And some he paid with port, and some with praise."

Some of the commissioners were to be paid with solid sums of money, and others with extensive patronage. Mr. Pitt tried the experiment of an unpaid committee of privy council, with a Secretary of State at their head, for eight years, and then—What then? Why, an Act of Parliament established the Board of Control, as it now existed. What again resulted from that? That the president was made a responsible minister, with two salaried assistants, whose services he might command and profit by, if it were not his own fault; and, if they failed in the discharge of their duty, he (Mr. Canning) would recommend their removal, with as little ceremony as he would that of an idle, loitering, newspaper reading secretary.

The right honourable gentleman proceeded to describe the constitution of the Board, and explained the importance of the several regulations by which it was governed; its connection, through the president, when (as in his case) a Cabinet Minister, with the general body of the Administration; and the use occasionally made of those privy councillors who are unpaid members of it, and some of whom occupied other departments in the state. In the early part of his presidency, when war was raging in India, he had not scrupled to apply to Lord Teignmouth for aid, and from that noble viscount he had received the most important assistance. Mr. Sullivan, a commissioner who had resigned, remained at the Board at his (Mr. Canning's) desire, and that gentleman's information and experience upon matters of local knowledge and practice in

India, had been found most useful. It was, perhaps, hardly regular to allude to it, but on a former evening, during the debate on the motion respecting the Lords of the Admiralty, a whimsical story had been introduced of a certain unpaid commissioner of the Board of Control, having gone to the office to inquire for a Board; and having been told that there was no Board sitting: he had been shown, indeed, a table covered with green cloth, and paper, and all the paraphernalia of writing; but as to Board, "Lord bless you, Sir," said the office keeper, "such a thing has not been known this many a day." Now this sounded very comical: but yet it might be true, and yet perfectly blameless. The inference meant to be drawn from this story, was this—that the whole office was perfectly nugatory; but it is no such thing. There are, by the constitution of the commission, two commissioners, not privy councillors, who are there (by their own desire, no doubt), to learn Indian business. But it was quite silly to suppose that the history of our empire in India was to be learnt by attending a formal Board; where, by the description which he had given of the course of business, nothing of the real substantial labour of the office was or could be done. There was a library, with 2,000 volumes of 700 pages each—not such volumes as were found in booksellers' shops—but solid substantial tomes, of many cubical feet of knowledge; of which when the young commissioner had made himself perfectly master, there would be no objection to his being initiated into his place at the Board. But the attendance of an unpaid commissioner was not wanted, nor did he think that important business could long be carried on in any country by unpaid servants of the public. These commissioners were treated with due respect. They were allowed the privileges of reference to all the records of the office, and, in times of interest, to all the current business; after this,

for them to complain that more attention was not shown towards them, and that they were not asked to assist at the Board with their counsel, was about as reasonable as it was in the lady in Blue Beard, who, being allowed to amuse herself with the curiosities in ninety-nine apartments, was miserable because she was not permitted to enter the blue chamber, which was the hundredth. To sit in a body, and have a thousand pages read, would be a very ineffectual mode of doing business. The rational course to pursue, and the one he had always pursued, was, to distribute the business amongst different hands, and then to have the results brought for his decision. That was the real mode of doing business.

If an unpaid commissioner, however, had been excluded, and was offended at the exclusion, the honourable secretary could satisfy him that he had no great loss, for that, if admitted, he would have found the matters which occupied the Board extremely uninteresting. Two branches of business lately had indeed been added to the labours of the Board—the ecclesiastical department, not altogether a light concern since Parliament had sanctioned two religious establishments in India. Hence had arisen the act for licensing Scotch marriages. New business had also grown out of the conditions on which the last charter had been granted. These had authorised individuals to resort to India; but it was required that they should apply for a license to the Court of Directors; and where such license was refused, an appeal might be made to the Board of Control. And here he felt himself bound in justice to speak of the conduct of the Court of Directors. When the provision which he had alluded to was made, it was opposed on the ground that the Directors would be likely to use it unfairly. The applications which had been made for licenses to go to India, since the renewal of the charter, were between four

and five hundred. Of these the Court of Directors had refused about one third. As a test of the general propriety of these decisions, he had to state that but a third of that third which had been refused permission to go to India, had succeeded in getting the refusals reversed by the Board of Control.

If he had succeeded—aided as he had been by the right honourable gentleman (Mr. Tierney)—in showing that a Board of Control was a fitter instrument than a Secretary of State, for superintending the concerns of the East India Company—if the House were satisfied, from the speech of that right honourable gentleman, that more strength, talent, and time were required in superintending those affairs than one man could be expected to supply—if they bore in mind that the right honourable gentleman had received valuable assistance from those who had been associated with him, remembering that such assistance had been still more necessary to him (Mr. Canning) from the great increase in the business—if this impression had been made on them, there were but two grounds remaining on which a motion could be supported, which had for its object if not the total abolition of the Board, the weakening of the establishment, by the diminution of its numbers. These two arguments were, first, that in these times of distress, the salaries of the commissioners should be spared, and revert to the pockets of the public; and, secondly, that if there should be no saving to the public, it would at any rate be consolatory for a suffering nation to see places reduced from which official persons in times of distress enjoyed an invidious affluence. The right honourable gentleman opposite had answered the first argument, by stating that the salaries of the Board were derived from the East India Company; and that if the Board was abolished, the money would revert, not to the pockets of the subject, but to the coffers

of the Company. The best proof of this assertion was to be found in the fact, that during the time which occurred from his (Mr. Canning's) resignation to the appointment of the right honourable president (Mr. Wynn), the salary, which was not accepted by the holder of the office, remained with the Company. If the honourable gentlemen, therefore, wished a saving for the public, they ought to have been earlier in the field—they were a year too late.

But he was aware that, upon this subject of saving, there was another favourite argument in reserve, namely, that even though the public should reap no advantage from the abolition of the office, it was inexpedient, at a time of public suffering, that the holders of office should be enjoying an invidious affluence. He knew the end to which this *argumentum ad invidiam* tended, and he would not, if he could help it, yield to the principle which it involved. He admitted that the emoluments of office were not in the nature of property; but they could not be abolished on such a principle as this; that principle was one which, pushed to its extent, involved all property—it was a principle that had led to invasions of private rights, and had been the fruitful source of popular excesses. The belief that whatever was enjoyed by the rich was an injury to the poor—the happiness resulting from the diminution of another man's prosperity—the idea that the poor man should

> "See no contiguous palace rear its head,
> To mock the meanness of his humble shed"—

these were all fruits of that principle which went to diffuse the misery which we could not redress, and to destroy the possessions of one class of society, not because they were injurious, but because they were odious to those who did not participate in the enjoyment of them. He allowed,

that between the salaries of office and the rights of property, there was an immense distance; but the intermediate space was filled up with property of different denominations, and held on different tenures, all of which this principle would equally affect.

Let it not, however, be imputed to him (Mr. C.), that when an office could clearly be proved to be useless, he would defend its continuance, or would argue against its abolition. But let the office in that case be abolished on the fair plea of its inutility, and not on the ground that it conferred affluence on its holder, and was an eye-sore to the wretched; not on the principle, that emoluments of office should alone be selected to suffer for the sake of the revenue. He knew only of two other classes of men, the Jews anciently, and, more recently, the Roman Catholics, who were considered as fair subjects of a taxation from which their fellow-citizens were exempted; and he protested against placing the holders of office in that situation, and conferring upon them the *privilegium odiosum* of bearing more than their due proportion of the public burthens.

When he argued for the utility of the office which the motion went to abolish, he did not say but that it was possible to abuse it—he did not say that it might not be filled by idle persons; but this he would say, that there was business enough to do, and that there were sufficient motives for activity, unless the commissioners formed a kind of conspiracy for indolence. No man would submit to fill the office inefficiently, without neglecting the discharge of useful and important duties. He was speaking of establishments, and not men; and, therefore, he would say, that a Board with the present number of commissioners, headed by a president who was either a Cabinet Minister or in immediate communication with the Minis-

ters, could conduct the business better than a Secretary of State. The president would desert his duty if he did not consider himself as bearing all the responsibility of the office; but he might divide its duties with his assistants. Thinking, then, the Board a useful establishment, believing that as at present constituted it answered all the purposes of its erection, and that the commissioners proposed to be reduced were necessary for its perfect efficiency, he could not consent to the present motion. When future presidents should cease to follow the example of their predecessors—when the business of office was neglected, whether by commissioners or secretaries—he would then allow that it was an office which Parliament might consent to reform, or, in other words, to destroy. At present, he would say, that such was the extent of business to be performed—such the vigilance, activity, and talent of the subordinate officers, with whose knowledge the commissioners must keep pace—if they valued their own character and the good opinion of those who act under them, (as powerful a check to a mind of sound and just feeling, as the criticism of equals or the control of superiors)—such the importance of the matters for its deliberation and decision—and such the publicity given to the conduct of the commissioners by discussions like the present, that every security was given for the faithful discharge of duty, and no commissioner could ever henceforth be allowed to be so idle as the honourable mover of the present question had acknowledged himself to have been while in office.

The House divided—

Ayes	88
Noes	273
Majority against the Motion	185

PARLIAMENTARY REFORM.

APRIL 25th, 1822.

Lord J. Russell moved "That the present state of the representation of the people in Parliament requires the most serious consideration of the House."

Several members rose at the same time with Mr. Canning, but the call for Mr. Canning was so loud and prevalent that they gave way.

Mr. Canning.—In obeying the call which the House has done me the honour to make upon me, I should be unwilling to occupy their attention for any length of time, upon a subject with respect to which my opinions are sufficiently notorious, were it not for the pointed manner in which I have been alluded to by the noble lord (Lord Folkstone), who has lately addressed them. That noble lord has challenged me either to support my old opinions by new arguments, or to abandon them. He describes himself as having been converted by my former arguments against Parliamentary Reform, to an opinion in favour of it; and in his own conversion to a creed which he had before rejected, he fancies himself entitled to carry me with him, and to make me a proselyte against myself. Those arguments of mine which have

produced this unfortunate and unforeseen effect upon the noble lord's understanding, have been long before the public: and I have no disposition to complain that the noble lord has referred to them as pointedly and particularly as if they had been uttered in the debate of this night. It was natural too, perhaps, that the noble lord, with the ardour of a convert, should flatter himself that his new-born zeal would extend to all around him: but I must beg leave to say, that the noble lord has carried his expectations a little too far, when he desires me to read my own speeches backwards; and to avow myself, if not a confirmed democrat, at least a friend to moderate reform. With the permission of the House, I will state, in as few words as possible, the grounds on which I continue to hold the same opinions which I have heretofore professed; and to draw from them the same conclusion.

Never, Sir, could those opinions be advanced under more favourable auspices—never could a conviction of their truth and justness be expressed with better assurance of a favourable reception than on the present occasion; when we have just been informed by the noble marquis (Marquis of Tavistock), in presenting a petition for Parliamentary Reform, that the whole body of the nobility, of the gentry, of the clergy, of the magistracy, of the leading and opulent commercial classes—in short, that the great mass of the property and

intelligence of the country, is arrayed against that question. To this singular and valuable admission of the noble marquis (singular as to the opportunity chosen for declaring it, and the more valuable for that singularity) have been added others, not less striking, on the part of the noble proposer of the motion. The noble lord (Lord John Russell), while contending for a change which he declares to be necessary for the salvation of the state, but which he admits to be a change serious and extensive in its nature, has acknowledged that, under the existing system, the country has grown in power, in wealth, in knowledge, and in general prosperity. He has detailed, accurately and laboriously, the particulars of this gradual and sensible improvement; and he has further acknowledged, that in proportion to the progress of that improvement, a silent moral change has been operated upon the conduct of this House—which is now, he allows, greatly more susceptible of the influence of popular feeling and of the impressions of public opinion, than it was a century ago. Nay, he has gone farther still. He has—in anticipation of an argument which I perhaps might have used, if the noble lord had not suggested it, but which I am glad to take at his hands—expressed a doubt, or at least has shown it to be very doubtful, whether a more implicit obsequiousness to popular opinion on the part of the House of Commons, would produce unqualified

good: avowing his own belief that if the composition of the House had been altered at the Revolution, the purposes of the Revolution would not have been accomplished—the House of Hanover would never have been seated upon the throne. The composition of the House of Commons is now precisely what it was at the time of the Revolution. Whatever change there may be in its temper, is, by the noble lord's acknowledgment, towards a more ready obedience to the public opinion. But if the House of Commons had at the time of the Revolution been implicitly obedient to the people; in other words, if the House had been then entirely composed of members popularly elected—that great event, to which I am as willing as the noble lord to attribute the establishment of our liberties, would, according to the noble lord's declared belief, have been in all probability defeated.

Surely these admissions of the noble lord are in no small degree at variance with his motion. Surely such admissions, if not ample enough of themselves to overbalance the direct arguments which the noble lord has, in the subsequent part of his speech, brought forward in the support of that motion, do at least relieve me from much of the difficulty and odium which might otherwise have belonged to an opposition to Parliamentary Reform. If I contend in behalf of the constitution of the House of Commons, such as it is, I contend at least for no untried, no discredited, no confessedly

pernicious establishment. I contend for a House of Commons, the spirit of which, whatever be its frame, has, without any forcible alteration, gradually, but faithfully, accommodated itself to the progressive spirit of the country; and in the frame of which, if an alteration such as the noble lord now proposes, had been made a hundred and thirty years ago, the House of Commons of that day would, by his own confession, have been disabled from accomplishing the glorious Revolution, and securing the fruits of it to their posterity.

Thus fortified, I have the less difficulty in meeting the noble lord's motion in front—in giving at once a plain and direct negative to the general resolution, which is the basis of his whole plan. I do not acknowledge the existence of the necessity, which by that resolution is declared to exist, for taking into consideration, with a view to alteration and amendment, the present state of the representation of the people in the House of Commons. Knowing as I do, that what is in the contemplation of many persons who are calling for reform, could not be adopted; and not knowing what may be the ideas and designs of others; feeling an equal repugnance, both from what I know and what I do not know upon this subject, to a doubtful and equivocal proposition, which would have the effect of binding this House to enter into the consideration of an endless succession of schemes for purposes altogether indefinite;

I object in the very outset to the noble lord's general resolution, independently of any objection which I may feel to his particular plan.

Not, however, that the plan itself is not abundantly fertile of objections. So far as I understand it, that plan is little more than to make an addition of one hundred members to this House, to be returned by the counties and larger towns; and to open the way for this augmentation, by depriving each of the smaller boroughs of one half of the elective franchise which they now enjoy. This plan the noble lord has introduced and recommended with an enumeration of names whose authority he assumes to be in favour of it. Amongst those names is that of Mr. Pitt. But the House must surely be aware that the plan brought forward by Mr. Pitt differed widely, not only in detail, but in principle, from that propounded on this occasion by the noble lord. True it is that the object of Mr. Pitt's plan was, like that of the noble lord's, to add one hundred members to this House: but this object was to be attained without the forcible abolition of any existing right of election. Mr. Pitt proposed to establish a fund of £1,000,000 to be applied to the *purchase* of franchises from such decayed boroughs as should be *willing* to sell them. This fund was to accumulate at compound interest, till an adequate inducement was provided for the voluntary surrender, by the proprietors, of such

elective franchises as it might be thought expedient to abolish. There was, throughout the whole of Mr. Pitt's plan, a studious avoidance of coercion; a careful preservation of vested interests; and a fixed determination not to violate existing rights in accomplishing its object. It was hoped that by these means every sense of injury or danger would be excluded, and that the change in view would be brought about by a gradual process, resembling the silent and insensible operation of time. Here then, I repeat it, is a difference of the most essential kind between the two propositions of Mr. Pitt and of the noble lord; a difference, not superficial, but fundamental; as complete indeed as the difference between concession and force, or between respect for property and spoliation. I am not, however, bound nor at all prepared to contend for the intrinsic or absolute excellence of Mr. Pitt's plan; and still less to engage my own support to such a plan, if it were to be brought forward at the present time. But placing it in fair comparison with the noble lord's, I must entreat the House to bear in mind that Mr. Pitt never lost sight of the obligation to preserve as well as to amend; that he proposed not to enforce any reluctant surrender; nor to sacrifice any other than voluntary victims on the altar of practical improvement.

The noble lord has cited other grave authorities

in favour of his projected reform. Now, I hold in my hand an extract from a work which probably will be recognised as I read it, but the title of which I will not disclose in the first instance. Hear the opinion of an eminent writer on the right of Parliament to interfere with the elective franchise :— "As to cutting away the rotten boroughs, I am as much offended as any man, at seeing so many of them under the direct influence of the Crown, or at the disposal of private persons. Yet I own I have both doubts and apprehensions in regard to the remedy you propose. I shall be charged, perhaps, with an unusual want of political intrepidity, when I honestly confess to you, that I am startled at the idea of so extensive an amputation. In the first place, I question the power *de jure* of the Legislature to disfranchise a number of boroughs, upon the general ground of improving the Constitution."— "I consider it as equivalent to robbing the parties concerned of their freehold, of their birth-right. I say, that although this birth-right may be forfeited, or the exercise of it suspended in particular cases, it cannot be taken away by a general law, for any real or pretended purpose of improving the Constitution." Is it from Sir Robert Filmer,—is it from the works of some blind, servile, bigotted, Tory writer, that I quote the passage which I have now read? No; it is from an author whose name, indeed, I am not enabled to declare,

but the shadow of whose name is inseparably connected, in our minds, with an ardent if not intemperate zeal in the cause of political freedom. It is Junius, who thus expresses his fears on the subject of interfering with the existing franchises of election, even for the purpose of effecting what he deems, with the noble lord, a beneficial change in the construction of the House of Commons.

The plan devised by Mr. Pitt, and the sentiments of this celebrated writer, equally furnish a contrast to the proposition of the noble lord; which is in effect forcibly to take away the elective franchise from one body of the people for the purpose of giving it to another; and to inflict forfeiture without guilt and without compensation.

But, even if I, and others who think like me, could be won over to this plan by its vaunted moderation,—by the circumstance of its going only half the length of the more sweeping reform deprecated by Junius,—it does much surprise me that the noble lord should imagine that such half measures would appear satisfactory to reformers. Surely, surely that class of persons upon whom the noble lord reckons for support, and whom he considers as having of late so greatly increased in numbers, look for a very different measure of alteration from that which seems to bound the noble lord's present intentions. How happens it, for instance, that the noble lord, notwithstanding

the accuracy of research with which he has apparently studied the subject in all its part, has omitted any mention of burgage tenures? He cannot but know that it is against that species of election that the popular clamour has been most loudly directed. Yet, amidst all the noble lord's enumeration of rights and modes of election, of freehold and copyhold, of large towns, and small towns, and counties, and villages, the words "burgage tenure," have never once escaped his lips! Does the noble lord mean to take away *burgage tenure*, or does he not? If he does not, I will so far most cordially join with him: but let not the noble lord, in that case, expect the support of those reformers with whom he has recently allied himself. If he intends to pursue a double or a doubtful course; if he proposes to mitigate his violation of franchise in the hands of the present holders by taking only half away, and hopes, by giving only half, to propitiate the new acquirers,—it may be very presumptuous in me to pronounce an opinion upon a scheme which the noble lord must no doubt have turned and viewed in every light before he made up his mind to adopt it; but I do venture to opine, that in thus endeavouring to keep terms with both parties, he will in the end satisfy neither. The one will be as little contented with what is granted to them, as the other will be reconciled to what

they lose. Needs there any further argument to shew, that whatever may be the feasibility of other plans of reform, this of the noble lord is one which cannot possibly be useful to any purpose, because it cannot be palatable to any party?

It being plain then to demonstration that the noble lord's plan cannot succeed, the House must prepare itself, if his first Resolution should be carried, to enter immediately upon the discussion of a variety of schemes, upon a concurrence of opinions, in favour of any one of which it would be vain to speculate. Plan will follow plan; all unlike each other in every respect, except in their tendency to destroy the present frame of the Constitution. It is affirmed, indeed, that a great change has lately taken place in the public mind; that the sentiment in favour of reform is diffused more widely, while the violence and exaggeration of that sentiment in particular minds is much abated; that more people wish for a reform; but that there is a greater disposition to be satisfied with a moderate one; that in proportion as a practical alteration has become more generally desired, the wild and visionary theories heretofore prevailing, have been relinquished and discountenanced. This may possibly be so: but on what ground am I to rest my belief of it? I have seen nothing in the course of the last two years, during which the noble lord (Lord Folkstone,) on the floor, has

been meditating on my speech at Liverpool, to lead me to think that those who, two years ago, entertained wild and visionary notions of reform, have since relinquished them. If my speech was, as the noble lord declares, calculated only to make proselytes to the persuasion that the present House of Commons is inadequate to the discharge of its functions, and if such be in consequence the views which that noble lord has adopted, how can he entertain the notion that the small alterations proposed by the noble mover will satisfy genuine reformers?—Let him be assured that he must go far deeper into democracy before he can hope to satisfy the cravings of reform; nay, without the hope of satisfying them, though the Constitution may be sacrificed in the experiment.

Sir, if the House looks only to the various plans of reform which have at different times been laid upon its table, not by visionary speculatists, but by able and enlightened men, some of the ornaments of this and the other House of Parliament, how faint and flat is the noble lord's (Lord John Russell) present plan in comparison with them! Let us take, for example, that one of the plans which had the greatest concurrence of opinions, and the greatest weight of authority in its favour. A petition was presented to this House in 1793, which may perhaps be considered as the most advised and authentic exposition of the principles of Parliamentary Reform, that ever has been sub-

mitted to the consideration of this House or of the public. Those principles are developed by the petitioners, with singular clearness and force, and expressed in admirable language. It was presented by a noble person, now one of the chief lights of the other House of Parliament, as the petition of the "Friends of the People, associated for the purpose of obtaining a Reform in Parliament." In that petition, certain distinct propositions are laid down as the basis of a reform, which, to my recollection, have never yet been disclaimed, either on the part of the petitioners, or of those who have succeeded them in the same pursuit. The petitioners complain, in the first place, that there is *not an uniform right of voting;*—secondly, that *the right of voting is in too small bodies;*—thirdly, that *many great bodies are excluded from voting;*—and, fourthly, they complain of *the protracted duration of Parliaments.* * Does the noble

* Extract of the petition of the "Friends of the People," presented to the House of Commons May 6, 1793:—

"Your petitioners complain, that the number of representatives assigned to the different counties, is grossly disproportioned to their comparative extent, population and trade.

"Your petitioners complain, that the elective franchise is partially and unequally distributed, and is, in many instances, committed to bodies of men of such very limited numbers, that the majority of your Honourable House is elected by less than fifteen thousand electors, which, even if the male adults in the kingdom be estimated at so low a number as three millions, is not more than the two-hundredth part of the people to be represented.

lord believe that all these notions are forgotten? that no persons still cherish them as the only means of effecting the salvation of the country? —or, does the noble lord subscribe to them all, although he may not think this the time for pressing them upon the House?

For my part, Sir, I value the system of Parliamentary Representation, for that very want of uniformity which is complained of in this petition; for the variety of rights of election. I conceive, that to establish one uniform right would inevitably be to exclude some important interests from the advantage of being represented in this House. At all events, the noble lord's plan does not cure this objection. The rights of voting would remain as various after the adoption of his plan, as before; and a new variety would be added to them. Even of burgage tenures, the most obnoxious right of all, and the most indignantly reprobated by the petition of 1793, the noble lord would carefully preserve the principle, only curtailing, by one half, its operation.

"Your petitioners complain, that the right of voting is regulated by no uniform or rational principle.

"Your petitioners complain, that the exercise of the elective franchise is only renewed once in seven years.

"Is it fitting that Yorkshire and Rutland should have an equal rank in the scale of county representation?

"Your petitioners affirm, that seventy of your honourable members are returned by thirty-five places, where the right of voting is vested in burgage and other tenures of a similar description."—*Parl. History*, Vol. xxx. p. 789.

It must be admitted that this alleged defect of variety in rights of voting, was much more directly dealt with by the honourable member for Durham, (Mr. Lambton,) in the last session, when he brought forward, with great ability, and with the utmost temper and moderation, his specific plan of reform. That honourable gentleman proposed to treat the constitution of the House of Commons as a *rasa tabula*, and to reconstruct the system of representation altogether upon an uniform plan, abating, without scruple, every right and interest that stood in his way. His plan differed as materially from that of the noble lord, as the noble lord's differs from that of Mr. Pitt, and from the project of 1793. I do not mean to say, (I shall not be so misunderstood, I trust) that I approved therefore of the honourable member for Durham's plan, or thought it either practicable or tolerable. Certainly, no conqueror of an invaded country ever parcelled out with a more unsparing hand the franchises and properties of individuals and communities; but that plan had at least one merit which the noble lord's has not: it cured the alleged evil of diversified rights, and tended to produce the desired uniformity of representation.

Then, Sir, as to the duration of Parliament. Triennial Parliaments, it is averred by the petitioners of 1793, would be greatly preferable to septennial. The House would become a more

express image of its constituents, by being more frequently sent back to them for election; deriving, like the giant of old, fresh vigour from every fresh contact with its parent earth. But the noble lord, if I understand him rightly, admits that this particular reform would be rather an aggravation of inconveniences, other defects in the Constitution remaining unchanged. Nothing indeed can be more clear than this proposition. One of the main objections to close representation, at present, is the advantage which the member for a close borough has over one chosen by a popular election. The dissolution of Parliament sends the popular representative back to a real and formidable trial at the bar of his constituents. For the representative of a close borough there is no trial at all; he sits still, and is returned without any struggle or inquiry. It is obvious that the proportion of this comparative disadvantage must be aggravated by every repetition of a general election.

But further. What is the original sin of septennial Parliaments?—Why, that the Septennial Bill was a violent measure. Granted: it was so. But this allegation, however just, applies only to one enactment of the act, not to its general policy. The violence of the Septennial Act did not consist in the prolongation of the duration of Parliaments *in time to come:* for to do *that*, the supreme authority of the state was undoubtedly as competent, as it was to shorten the duration of Parlia-

ments by the Triennial Act some twenty years before. The violence consisted in prolonging the duration of the *then existing* Parliament—in extending to seven years a trust confided but for three. This, and this alone, is the questionable part of that act—questionable, I mean, as to right. I will not now inquire how far the political necessities of the time justified so strong an act of power. It is quite enough, for any practical purpose, that the evil, whatever it was, is irremediable; that its effect is gone by; that the repeal of the Septennial Act now cannot undo it; and that, therefore, how grave soever the charge against the framers of the act might be, for the arbitrary injustice of its immediate operation (a question, into the discussion of which I have said I will not enter), the repeal of it would have no tendency to cure the vice of that enactment which has given the Septennial Act its ill name; but would only get rid of that part of it which is blameless, at least, if not (as I confess I think it) beneficial in its operation. But however much the duration of Parliaments may be entitled to a separate discussion, it is not to that point that the noble lord has called our attention to-night. A change in the constitution of the House of Commons, is the object of the noble lord's motion.

That such a change is necessary, the noble lord asserts—and I deny. I deny altogether the existence of any such practical defect in the present

constitution of this House, as requires the adoption of so fearful an experiment. The noble lord has attempted to shew the necessity of such a change by enumerating certain questions on which this House has, on sundry occasions, decided against the noble mover's opinion, and against the politics and interests of that party in the state, of which the noble mover is so conspicuous an ornament. But if such considerations be sufficient to unsettle an ancient and established form of political Constitution, how could any Constitution—any free Constitution—exist for six months? While human nature continues the same, the like divisions will arise in every free state; the like conflict of interests and opinions; the like rivalry for office; the like contention for power. A popular assembly always has been and always will be exposed to the operation of a party-feeling, arraying its elements and influencing its decisions, in modern as in ancient times; in Great Britain, in this our day, as heretofore in Athens or in Rome. No imaginable alteration in the mode of election can eradicate this vice, if it be a vice; or can extinguish that feeling, be it good or bad, which mixes itself largely in every debate upon the public affairs of a nation—the feeling of affection or disfavour towards the persons in whose hands is the conduct of those affairs. I am not saying that this is a proper and laudable feeling: I am not contending that par-

tiality ought to influence judgment; still less that when judgment and partiality are at variance, the latter ought, in strict duty, to preponderate. I am not affirming that in the discussion of the question, "What has been done?" the question, "Who did it?" ought silently to dictate, or even to modify, the answer; that the case should be nothing, and the men every thing. I say no such thing. But I do say that while men are men, popular assemblies, get them together how you will, will be liable to such influence. I say, that in discussing in a popular assembly the particular acts of a government, the consideration of the general character of that government, and the conflicting partialities which lead some men to favour it, and others to aim at its subversion, will, sometimes openly and avowedly, at other times insensibly even to the disputants themselves, controul opinions and votes, and correct, or pervert (as it may be) the specific decision. I say that, for instance, in the discussion upon the Walcheren Expedition, which has been more than once selected as an example of undue influence and partiality, there was notoriously another point at issue beside the specific merits of the case; and that point was, whether the then Administration should or should not be dismissed from the service of their country? Never, perhaps, was the struggle pushed farther than on that occasion; and that vote substantially decided the question

" in what hands should be placed the Administration of affairs." I am not saying that this was right in the particular instance—I am not saying that this is right in principle. But right or wrong, such a mode of thinking and acting is, I am afraid, essentially in the very nature of all popular governments; and most particularly so in that of the most free.

The noble lord has himself stated, that in the instance of the Revolution the Parliament did wisely in setting at nought the immediate feelings of its constituents. There cannot indeed be the slightest doubt that had the nation been polled in 1688, the majority would have been found adverse to the change that was then effected in the Government: but Parliament, acting in its higher and larger capacity, decided for the people's interests against their prejudices. It is not true, therefore, that the House of Commons is necessarily defective, because it may not instantly respond to every impression of the people.

In the year 1811, I myself divided in a minority of about forty against an overwhelming majority, on the question relating to the depreciation of the currency. It would be idle to deny that the majority, which sturdily denied the fact of that depreciation, then spoke the sentiments of the country at large; they certainly did so; but who will now affirm that it would have been a misfortune if the then prevailing sense of the country

had been less faithfully represented in the votes of this House? What a world of error and inconvenience should we have avoided, by a salutary discrepancy, at that time, between the constituent and the representative! Eight years afterwards, but unluckily after eight years' additional growth of embarrassment, in 1819, the principles which had found but about forty supporters in 1811, were adopted unanimously, first by a committee of this House, and then by this House itself. But the country was much slower in coming back from the erroneous opinions which the decision of this House in 1811 had adopted and confirmed. In 1819, as in 1811, if London and the other principal towns of the kingdom had been canvassed for an opinion, the prevailing opinion would still have been found nearly what it was in 1811. Yet is it necessary to argue that the decision of the House in 1819, against the opinion of the country, was a sounder and wiser decision than that of 1811 in conformity to it? Never then can I consider it as a true proposition that the state of the representation is deficient, because it does not *immediately* speak the apparent sense of the people—because it sometimes contradicts, and sometimes goes before it. The House, as well as the people, are liable to err; but that the House may happen to differ in opinion from the people, is no infallible mark of error. And it would, in my opinion, be a base and cowardly House of Commons, un-

worthy of the large and liberal confidence without which it must be incompetent to the discharge of its high functions, which having, after due deliberation, adopted a great public measure, should be frightened back into an acquiescence with the temporary excitement which might exist upon that measure out of doors.

Upon another great question which I have much at heart, I mean the Roman Catholic Question, I have not the slighest doubt that the House has run before the sense of the country, which is now, however, gradually coming up to us. I have no doubt that in all our early votes on this most important question, we had not the country with us; but I am equally confident that the period is rapidly advancing, when the country will be convinced that the House of Commons has acted as they ought to have done. If on such questions as these—questions before which almost all others sink into insignificance—the House of Commons have been either against, or before, the opinions of the country, the proposition that the representative system is necessarily imperfect, because it does not give an *immediate* echo to the sentiments of the people, is surely not to be received without abundant qualification. On this ground therefore there is no foundation for the noble lord's motion; unless the free expression of an honest and conscientious opinion, when it may happen to differ from that of its constituents, be inconsistent

with the duty and derogatory to the character of a representative assembly.

To return to the other noble lord (Lord Folkstone), who has no sooner renounced his former faith and adopted a new one, than he seats himself in the confessional chair, and calls upon me for my recantation:—that noble lord has desired me to explain and defend the proposition which I have heretofore laid down, that those who wish to reform the House of Commons must intend to reform it upon one of two principles—either to construct it anew, or to bring it back to the state at which it existed at some former period. Before I consent to be thus catechised by the noble lord, I might reasonably ask him in what third sense the word reform can be understood, except that in which it is sometimes applied to a military corps, which means to disband and cashier it altogether? Short of that mode of disposing of the House of Commons (for which I presume the noble lord is not yet altogether prepared), there is, so far as I know, or can conceive (until the noble lord shall further enlighten me), no other way in which a reform can take place, than those which I have specified. Between those two modes, then, I must still desire the noble lord to make his choice. If his choice be another construction—a totally new scheme of House of Commons—is it unreasonable in me that, before I pin my faith upon that of the noble convert, I desire to behold

that *beau idéal*—that imaged perfection of political good by which his reason is fascinated, and which his inventive fancy has pictured to him as the standard of parliamentary purity? If the second of my proposed alternatives be that which the noble lord prefers, the inquiry that I have then to make of him is merely historical; and surely he can be at no loss for an immediate answer to it—What is the golden era at which the House of Commons was precisely what you would have it?

Simple, however, as this latter question is, I have never yet met with the reformer who did not endeavour to evade it. I must endeavour therefore to collect the best answers that I can, from such partial indications of opinion as are scattered up and down among the general arguments for reform. Some theorists are fond of tracing back the Constitution to the twilight times of history, where all that can be clearly discovered is, that when a Parliament met, it usually sat about a fortnight, granted a subsidy or two, and was forthwith dissolved. It is not to this infancy of our institutions that any one will soberly refer, for the likeness of such a House of Commons as would be competent, in the present age, to transact the business of the country and to maintain its due importance in the Constitution. But the House gradually attained a more matured existence; it has grown into a co-ordinate, and is

now the preponderant element of the Constitution. If the House has thus increased in power, is it therefore necessary that it should also become more popular in its formation? I should say,—just the reverse. If it were to add to its real active governing influence such an exclusively popular character and tone of action as would arise from the consciousness that it was the immediately deputed agent for the whole people, and the exclusive organ of their will, the House of Commons, instead of enjoying one-third part of the power of the state, would, in a little time, absorb the whole. How could the House of Lords, a mere assembly of individuals, however privileged, and representing only themselves, presume to counteract the decisions of the delegates of the people? How could the Crown itself, holding its power, as I should say, *for* the people, but deriving it altogether, as others would contend, *from* the people, —presume to counteract, or hesitate implicitly to obey, the supreme authority of the nation assembled within these walls? I fear the noble lord (Lord Folkstone) is not prepared to answer these questions. I do not presume to say that they are unanswerable; but I affirm that, since they were propounded in my obnoxious speech at Liverpool, they have yet received no answer here or elsewhere. In truth, they admit of no other answer than one which I happen to have fallen upon within these few days, in the report of a debate

on Parliamentary Reform which took place about thirty years ago; and for which, in the absence of any answer of his own, the noble lord will undoubtedly be very thankful. It is in these words: —"It has been said that a House of Commons, so chosen as to be a complete representative of the people, would be too powerful for the House of Lords, and even for the King: they would abolish the one, and dismiss the other. *If* the King and the House of Lords are unnecessary and useless branches of the Constitution, *let them* be dismissed and abolished: for the people were not made for them, but they for the people. *If*, on the contrary, the King and the House of Lords are felt and believed by the people to be not only useful but essential parts of the Constitution, a House of Commons freely chosen by and speaking the sentiments of the people, would *cherish and protect* both, within the bounds which the Constitution had assigned to them."* These are reported to have been the words of a man, the lustre of whose reputation will survive through distant ages, and of whom I can never intend to speak but with feelings of respect and admiration: they are the words of Mr. Fox. That the report is accurate to a letter, I am not entitled to contend; but the substance of an argument so strikingly important, cannot have been essentially mis-

* Parliamentary History, vol. xxx. p. 921. (May 6, 1793.)

apprehended. I quote these words with the freedom of history; not with the design of imputing blame to the speaker of them, but because they contain a frank solution (according with the frankness of his character) of the difficulty with which, in these days, I have not found any one hardy enough to grapple. So then—a House of Commons freely chosen by the people, would, it seems, "cherish and protect" the House of Lords and the Crown, so long as they respectively kept within the bounds allotted to them by the Constitution. Indeed? cherish and protect!—but cherish and protect, *if* so and so:—and how, *if not* so and so? How, if the House of Commons, in its reformed character, should happen to entertain a different opinion with respect to the "bounds" to be allotted to the Crown and to the lords, under the new Constitution? What would then be substituted for cherishment and protection? A fearful question! but a question which must be answered, and much more satisfactorily than I can anticipate, before I can consent to exchange that equality and co-ordination of powers among the three branches of our present Constitution, in which its beauty, its strength, its stability, and the happiness of those who live under it, consist, for a Constitution in which two of those powers should confessedly depend for their separate existence on the disposition of the third to "cherish and protect" them. This new Con-

stitution might be very admirable: but it is not the Constitution under which I live; it is not the Constitution to which I owe allegiance; it is not the Constitution which I would wish to introduce; and in order not to introduce a Constitution of this nature, I must not consent to the reform of the House of Commons.

If this House is adequate to the functions which really belong to it,—which functions are, not to exercise an undivided, supreme dominion in the name of the people, over the Crown and the other branch of the Legislature, but checking the one and balancing the other, to watch over the people's rights and to provide especially for the people's interests. If, I say, the House is adequate to the performance of these its legitimate functions, the mode of its composition appears to me a consideration of secondary importance. I am aware, that by stating this opinion so plainly, I run the risk of exciting a cry against myself; but it is my deliberate opinion, and I am not afraid to declare it. Persons may look with a critical and microscopic eye into bodies physical or moral, until doubts arise whether it is possible for them to perform their assigned functions. Man himself is said by inspired authority to be "fearfully" as well as "wonderfully made." The study of anatomy, while it leads to the most beneficial discoveries for the detection and cure of physical disease, has yet a tendency, in some minds, rather

to degrade than to exalt the opinion of human nature. It appears surprising to the contemplator of a skeleton of the human form, that the eyeless skull, the sapless bones, the assemblage of sinews and cartilages in which intellect and volition have ceased to reside, that this piece of mechanism should constitute a creature so noble in reason, so infinite in faculties, in apprehension so like a god; a creature formed after the image of the Divinity, to whom Providence

> "Os—sublime dedit: cœlumque tueri
> Jussit, et erectos ad sidera tollere vultus."

So, in considering too curiously the composition of this House, and the different processes through which it is composed, not those processes alone which are emphatically considered as pollution and corruption, but those also which rank among the noblest exercises of personal freedom, the canvasses, the conflicts, the controversies, and (what is inseparable from these) the vituperations, and excesses of popular election, a dissector of political constitutions might well be surprised to behold the product of such elements in an assembly, of which, whatever may be its other characteristics, no man will seriously deny that it comprehends as much of intellectual ability and of moral integrity as was ever brought together in the civilized world. Nay, to an unlearned spectator, undertaking for the first time an ana-

tomical examination of the House of Commons, those parts of it which, according to theory, are its beauties, must appear most particularly its stains. For while the members returned for burgage-tenure seats, or through other obscure and noiseless modes of election, pass into the House of Commons unnoticed and uncriticised, their talents unquestioned, and their reputations unassailed, the successful candidate of a popular election often comes there loaded with the imputation of every vice and crime that could unfit a man not only for representing any class of persons, but for mixing with them as a member of society. The first effect of a reform which should convert all elections into popular ones, would probably be to ensure a congregation of individuals, against every one of whom a respectable minority of his constituents would have pronounced sentence of condemnation. And if it be so very hard that there are now a great number of persons who do not directly exercise the elective franchise, and who are therefore represented by persons whom others have chosen for them, would this matter be much mended when two-fifths of the people of England should be represented not only without their choice, but against their will; not only by individuals whom they had not selected, but by those whom they had declared utterly unworthy of their confidence?

Again;—should we have no cause to lament

the disfranchisement of those boroughs which are not open to popular influence? How many of the gentlemen who sit opposite to me, the rarest talents of their party, owe their seats to the existence of such boroughs? When I consider the eminent qualities which distinguish, for instance, the representatives of Knaresborough, Winchelsea, Wareham, Higham-Ferrers, I never can consent to join in the reprobation cast upon a system which fructifies in produce of so admirable a kind. No, Sir, if this House is not all that theory could wish it, I would rather rest satisfied with its present state, than by endeavouring to remedy some small defects, run the hazard of losing so much that is excellent. Old Sarum and other boroughs at which the finger of scorn is pointed, are not more under private patronage now than at the periods the most glorious in our history. Some of them are still in the possession of the descendants of the same patrons who held them at the period of the Revolution. Yet in spite of Old Sarum the Revolution was accomplished, and the House of Hanover seated on the throne. In spite of Old Sarum, did I say? No; rather by the aid of Old Sarum and similar boroughs; for the House has heard it admitted by the noble mover himself, that if the House of Commons of that day had been a reformed House of Commons, the benefits of the Revolution would never have been obtained.

The noble lord, in his opening speech, made some allusion to the constitutional history of ancient Rome, and called upon my honourable friend (Mr. Bankes) opposite, as the most recent historian of that republic, to vouch for his facts, and for the application of them. Let me follow the noble lord into his Roman History, to ask him a single question. How was the senate of Rome composed? I doubt whether even my honourable friend opposite can inform us. All that is certainly known on the subject is, that one and by far the most usual way of gaining admission to the senate, (this has not a very reforming sound), was through office. Yet that senate dictated to the world, and adequately represented the majesty of the Roman people. History blazons its deeds, while antiquarianism is poring into its pedigree.

But have the defects imputed to the composition and constitution of the House of Commons increased with time? Are they grown more numerous or more unsightly? I believe the contrary. I believe, Sir, that in whatever period of our history the composition and constitution of the House of Commons are examined, not only will the same alleged abuses as are now complained of be found to have prevailed; but I will venture to say, prevailed in a degree which could not be now avowed in debate without a violation of our orders. There is great difficulty in speak-

ing on this delicate part of the subject. It has been made an article of reproach by the reformers, that the enemies of reform treat these matters with shameless indifference; that we now speak with levity of transactions the bare mention of which, according to the *dictum* of once the highest authority in this House, was calculated to make our ancestors perform certain evolutions in their graves. Now it is very hard that the want of shame should be imputed to those who are upon the defensive side of the argument. They who attack, scruple not to advance charges of gross corruption in the grossest terms; and they who defend are reduced to the alternative either of affecting to be ignorant of the nature of those charges, or of admitting notorious facts, and accounting for or extenuating them; and if they take the latter course, they are accused of shamelessness. Be that as it may, however, it may be curious and perhaps consolatory to show to the moralists who are so sensitive upon these subjects, that corruption, as they call it, that (in plain words) influence in the return of members to Parliament, if it be a sin, is not one for which their own generation is exclusively responsible. The taint, if it be one, is not newly acquired, but inherited through a long line of ancestors. The purge or the cautery may be applied to the present generation; but I can show that the original malady is at least as old as the reign of

Henry VI. a period beyond which the most retrospective antiquary will not require of us to go back in search of purity of election.

Sir, in the reign of Henry VI. the Duchess of Norfolk thus instructed her agent as to the election of members for the county of Norfolk:—

"*Right trusty and well beloved, we greet you heartily well; and forasmuch as it is thought right necessary for diverse causes, that *My Lord have* at this time *in the Parliament* such persons as *belong unto him*, and be of his *menial servants*, we heartily desire and pray you, that at the contemplation of these our letters, ye will give and apply your voice unto our right well beloved cousin and servants, John Howard and Sir Roger Chamberlayn, to be *Knights of the Shire*. Framlingham Castle, 8 June, 1455."

What follows, probably related to the same election; it is addressed (by Lord Oxenford) to the same individual as the preceding extract.

"†My Lord of Norfolk met with my Lord of York at Bury on Thursday, and there [they] were together till Friday, nine of the clock, and then they departed; and there a gentleman of my Lord of York took unto a Yeoman of mine, John Deye, a Token and a Sedell (Schedule) of my Lord's intent, *whom he would have Knights of the Shire*, and I send you a Sedell inclosed of their names in this

* Paston Correspondence, 4to. vol. i. p. 97.

† Ibid. vol. i. p. 99.

Letter; wherefore, methinketh it [were] well done to *perform my Lord's intent*."

The next extract which I shall read to the House is of seventeen years later date than the preceding ones. It is from a letter addressed by one of the Duchess of Norfolk's household to the bailiff of the borough of Maldon, and is dated in the year 1472, the 11th of Edward IV.

" * It were necessary for *my Lady* and you all (her Servants and Tenants) *to have in this Parliament* as for *one of the Burgesses* of the town of Maldon, such a man of worship and of wit as *were towards my said Lady;* and also such one as in favour of the King and of the Lords of his Council nigh about his person; certifying you, that my Lady for her part, and such as be of her Council, be most agreable that all such as be her farmers and tenants and well-willers, should give your voice to a worshipful Knight, and one of my Lady's Council, Sir John Paston, which stands greatly in favour with my Lord Chamberlain; and what my said Lord Chamberlain may do with the King, and with all the Lords of England, I trow it be not unknown to you."

It appears from the following letter that the said member-elect for the Borough of Maldon, Sir John Paston (to whom it is addressed) had expected to be nominated a knight of the shire; but that his patrons had ordered it otherwise:—

* Paston Correspondence, vol. ii., p. 99.

"* My Lord of Norfolk, and my Lord of Suffolk *were agreed* more than a fortnight ago, *to have* Sir Robert Wyngfield, and Sir Richard Harcourt; and that knew I not till Friday last past. I had sent, ere I went to Framlingham, to warn as many of your friends to be at Norwich as this Monday, to serve your interest, as I could; but when I came to Framlingham, and *knew the appointment that was taken* for the two Knights, I sent warning again to as many as I might, to tarry at home; and yet there came to Norwich this day as many as their costs drew to 9s. 1½d. paid and reckoned by Peacock and Capron, and yet they did but break their fasts and departed." ——"If ye miss to be Burgess of Maldon, and my Lord Chamberlain will, ye may be in another place; there be a dozen Towns in England, that choose no Burgess, which ought to do it,"—(this will surely propitiate the Reformers):—"ye may be set in for one of these towns, an if ye be friended." Such was reform in those days!

In the reign of Queen Elizabeth, the era to which, habitually and almost instinctively, the mind of Englishmen recurs for every thing that is glorious, I could show the House that the Earl of Essex, her mighty favourite, dictated, without scruple or reserve, the returns to Parliament, not only for the county of Stafford, but for every borough in the county. Unluckily, I have not

* Paston Correspondence, vol. ii., p. 103.

the documents at hand; but I can aver it on the most unquestionable authority.*

* Among the documents alluded to in this passage, are the following letters from Robert Devereux, Earl of Essex, to Richard Bagot, Esq., high sheriff of the County of Stafford; of which the originals are in the possession of Lord Bagot.

1.—*Robert Devereux, Earl of Essex, to Richard Bagot, Esq.*

"After my verie hartie comendacions; I cannot write severall letters to all those that have interest in the choyse of the Knights of the Shere, to be apoynted for the Parliament intended to be held verie shortlie. To which place I do exceedingly desire that my verie good friend, Sir Christofer Blount, may be elected. I do, therefore, commend the matter to your friendlie sollicitacons, praying you to move the gentlemen, my good friends, and yours in that countie; *particularly in my name*, that they will give their voice with him *for my sake*; assuring them that as they shall do it for one whome I hold deare, and whose sufficiencie for the place is well known to them; so I will most thankfullie deserve towards them and yourselves any travell, favour, or kindeness that shall be showed therein. Thus I commit you to God's good protection. From Hampton Court, the 2d of January, 1592.

"ESSEX."

"I persuade myself that my credit is so good with my countrymen, *as the using my name in so small a matter will be enough to affect it.* But I pray you use me so kindlie in that as I have no repulse."

2.—*From the same to the same.*

"After my verie hartie commendacions. As I have by my late letters commended unto you Sir Christofer Blount to be elected *one of the Knights of that Shire*, for the Parliament to be holden verie shortlie, by your friendlie mediacion. So I do with no less earnestness

Passing over the reign of James I. and his unfortunate successor,—and not dwelling upon the cavalier treatment which Cromwell bestowed upon

intreate your like favoure towards my very good friend, Sir Thomas Sherrard, *for the other place;* praying you that you will employe your creditte, and *use my name* to all my good.friends and yours, there, that they will stand faste to me in this requeste, and that my desire may be effected for them. They cannot give me better testimonie of their love and affection, because they are both such as I hold deare, and you may assure all such as shall join with you in election, that I will most thankfullie requite their readines, and furtherance them by any good office I can. So I comitte you to God's best protection. From Hampton Court, the 9th of January, 1592."

"Your assured friend,

"ESSEX."

"I should think my credite little in my owne countrie, if it should not afford *so small a matter as this.* Esspessalie the men being so fitt. Therefore I commend you all (*as I have interest in your labours*) effectuallie in it."

3.—*From the same to the same.*

"After my verie hartie commendacions. I have written severall letters to Lichfield, Stafford, Tamworth, and Newcastle, for the *nomination and election* of certen burgesses of the Parliament to be held verie shortlie. *I have named unto them,* for Lichfield, Sir John Wyngfield and Mr. Boughton. For Stafford, *my kinsman,* Henrie Bourgcher, *and my servant,* Edward Reynolds. For Tamworth, *my servant,* Thomas Smith. For Newcastle, Dr. James. Whome, because I do greatlie desire to be preferred to the said places, I do earnestlie pray your furtherance, by the creditt which you have in those towns. Assuring them of my thankfulness, if they shall, *for my sake,* gratifie those whom I have com-

his own purified and reformed Houses of Commons, I come to the reign of Charles II., where I find, not amid scarce manuscripts and treasures of ancient lore, but published in a hundred popular books, in sketches of biography, and lessons for youth, the famous letter of that most famous woman, Anne, Countess of Pembroke; who, amongst her other great titles and possessions, was undoubted patroness of the then, I presume, free and independent borough of Appleby. This great lady writes thus to Sir Joseph Williamson, secretary of state to Charles II., in answer to his suggestion of a member for the borough of Appleby—

"I have been bullied by an Usurper; I have been ill treated by a Court; but I won't be dictated to by a Subject; your Man sha'n't stand.

"ANNE,
"Countess of Dorset, Pembroke, and Montgomery"

Now, Sir, I should be curious to know *which* generation of our ancestors it is that the exer-

mended; and yourself that I will not be unmyndful of your curtesie therein. So I commit you to God's good protection. From Hampton Court, the last of December, 1592.

"Your assured friend,
"ESSEX."

"I send unto you the severall letters, which I praye you cause to be delivered according to their directions."

cise of political influence in the elections of the present day, so lamentably disquiets in their graves. Is it the cotemporaries of the Duchess of Norfolk, and of the worthy electors of Maldon, who were to be careful to choose members so properly "towards" my Lady?—or those who tasted the sweets of uninfluenced election under Queen Elizabeth?—or those who contemplated with equal admiration the Countess of Pembroke's defence of her castles against the forces of the usurper, and of her good borough of Appleby against Secretary Williamson's nominee? Pity it is that the noble lord (Lord Folkstone), the convert to reform, did not live in the days of one or other of these heroines! Their example could hardly have failed to reconvert him to his original native sentiments upon the subject of influence in elections, and the fit constitution of a House of Commons.

But I have not yet done with my list of patronesses. Nor has interference in elections, and female interference too, been coupled with no great name in the unquestioned good times of the Constitution. The noble lord who made this motion will pardon me for referring him to the published letters of his great ancestress, the Lady Russell; in which he will find the Lord Steward (the Duke of Shrewsbury), and Lord Keeper Somers, tendering to her, for her son Lord Tavistock, then a minor, the representation of the county of

Middlesex, upon the single condition that Lord Tavistock would consent but to show himself to the electors for one day under the name of Lord Russell.* The offer was not accepted, on account, so far as appears, of Lord Tavistock's minority; though instances are adduced by the makers of the proposition to convince her ladyship that *that* need not be an objection. But what would be said now-a-days, and what would be the agitation of our buried ancestors, if a lord chancellor and a lord steward were to concur in offering a seat in Parliament for a county to some young nobleman yet under age?†

Now here let me guard myself against misrepresentation. It must not be imputed to me that I am saying that all this was *right:* I am only

* "At the General Election which took place in October 1695, it was proposed to her, in the most flattering manner, by order of the Duke of Shrewsbury, then lord steward, and the lord keeper Somers, to bring her son into Parliament as member for the county of Middlesex."—*Life of Lady Russell, Third Edit.* 8vo. p. 120.

† "It is to be remarked that, in those early days of our renovated Constitution, the objection of Lord Tavistock's age was considered merely in relation to himself, and as no obstacle to the success of his election. Mr. Montague, in his letter to the Duke of Bedford, to obviate any scruple in the duke's mind, mentions that Lord Godolphin's son was to be chosen in Cornwall, and Lord Leicester's in Kent, who were neither of them older than Lord Tavistock: and Mr. Owen, in a letter to Lady Russell, tells her the Duke of Albemarle's son had been allowed to sit in Parliament under age."——*Life of Lady Russell, Third Edit.* 8vo. p. 123.

saying that all this was *so*. I have been dealing (be it observed) with the second of my two questions: not with the question, whether the House of Commons should be reconstructed?—but with the question whether it should be recalled to some state in which it formerly stood? I have been endeavouring to dispel the idle superstition that there once existed in this country a House of Commons, in the construction of which the faults that are attributed to the present House of Commons, and attributed to it as a motive for inflicting upon itself its own destruction, did not equally exist: and not only exist equally, but exist in wider extent and more undisguised enormity. I have been showing that if the present House of Commons is to be destroyed for these faults, it has earned that fate not by degeneracy, but by imitation; that it would in such case expiate the misdeeds of its predecessors, instead of suffering for any that are peculiarly its own. I have been endeavouring to prove, that of the two options,—"do you mean to restore? — or to construct anew?"—no reformer who has carefully examined the subject, can in sincerity answer otherwise than "to construct anew:" for that to *restore* the times of purity of election, that is, of election free from the influence, and a preponderating influence too, of property, rank, station, and power, natural or acquired, would be, to restore a state of things

of which we can find no prototype, and to revert to times which in truth have never been.

That the proposition "to construct anew" is the much more formidable proposition of the two, is tacitly admitted by the very unwillingness which is shown on all occasions to acknowledge it as the object of any motion for reform. Yet to *that* must the reformers come. To that, I venture to tell the noble lord, he, with all his caution, and all his desire to avoid extravagance and exaggeration, must come, if he consents to reform *on principle*. By reforming "on principle," I mean, reforming with a view not simply to the redress of any partial, practical grievance, but generally to theoretical improvement. I may add that even "on principle" his endeavours to reform will be utterly vain, if he insists upon the exclusion of influence, as an indispensable quality of his reformed constitution. Not in this country only, but in every country in which a popular elective assembly has formed part of the Government, to exclude such influence from the elections, has been a task either not attempted, or attempted to no purpose. While we dam up one source of influence, a dozen others will open; in proportion as the progress of civilization, the extension of commerce, and a hundred other circumstances, better understood than defined, contribute to shift and change, in their relative

proportions, the prevailing interests of society. Whether the House of Commons, in its present shape, does not practically though silently accommodate itself to such changes, with a pliancy almost as faithful as the nicest artifice could contrive, is, in my opinion, I confess, a much more important consideration, than whether the component parts of the House might be arranged with neater symmetry, or distributed in more scientific proportions.

But am I therefore hostile to the reformation of any proved cases of abuse, or to the punishment of mal-practices by which the existing rights of election are occasionally violated? No such thing. When any such cases are pointed out and proved, far be it from me to wish that they should be passed over with impunity. When the noble lord (Lord John Russell) himself brought forward, two years ago, a bill for transferring to other constituents, the right of election of a borough in which gross corruption had been practised, he began, as I thought and think, in the right course. When he proposed the disfranchisement of Grampound, I gave him my support; and if other cases of the same description occurred, I should be ready to do so again. That, Sir, is the true way of reforming the House of Commons: by adding strength to the representation, where we can do so certainly and definitely, and without incurring a risk of evils greater than those we cure. In the

principle of that proposition of the noble lord, I concurred: and if I concurred with those who suggested the substitution of the county of York for the town of Leeds, as the recipient of the franchise to be detached from Grampound, I did so, not because I was apprehensive that Leeds would abuse the privilege; but because, for the last forty years, the want of a greater number of members for the county of York had been the standing grievance complained of in every petition for reform. "Shall the great county of York have no more members than the little county of Rutland?"—is the language of the petition of 1793. "Shall so great, and populous, and manufacturing a county, be no more numerously represented in the House of Commons than the borough of Shoreham, or Cricklade, or Midhurst, or finally than Old Sarum?"—are the apostrophes which have added zest to every debate, and a sting to every petition, from the year 1780 to the present day. Well? Here was an opportunity of meeting this master-argument, and quieting for ever the perturbed solicitude for Yorkshire representation. I thought, therefore, that it would be a pity to lose such an opportunity; the House fortunately was of the same opinion; and lo! the grievance of grievances, the subject of forty years' clamour, is redressed. But, to be quite ingenuous, I will own that I was not without expectation that when the reformers had gained this point, they would

find out that they had not gotten *exactly* what they wanted. So indeed it has happened. Since the bill passed, I have heard of no congratulations on the event; but I have heard of much regret, and of many fears lest great inconvenience should result from the measure to the county of York itself. This to be sure would be exceedingly to be deplored: and to remedy so unlucky a result of the first effort at reform, I understand that it is now in contemplation to bring in a bill for the purpose of dividing the county into two parts; assigning to one the old and to the other the new representation. We shall see how this expedient will be relished. For my own part, I apprehend that every true Yorkshireman will object to it as a sort of converse of the judgment of Solomon; and that the two old members especially, will rush forward and implore that their ancient parent may be permitted to survive whole and unmutilated. In that case, I shall unquestionably join them in the vote for keeping Yorkshire in undivided magnitude, with its augmented representation; affording, as it will do in that state, a conclusive reply to near half a century of remonstrances and lamentations.

I do not recollect in the speech of the noble mover any other topic on which I feel it necessary to remark; having already, I think, touched upon all the main principles, if not upon all the details and illustrations of his motion; and having, I am well aware, trespassed largely upon the indulgence of the House.

A few words more upon the more general topics, which belong to this debate, and I have done. It is asked over and over again whether the House of Commons ought not to sympathize with the people? I answer, undoubtedly yes; and so the House of Commons at present does, finally and in the result. But I also maintain that this House does not betray its trust, if on points of gravity and difficulty, of deep and of lasting importance, it exercises a wary and independent discretion; —even though a momentary misunderstanding between the people and the House, should be created by such difference in opinion with the people. I do not believe that the change proposed by the noble lord would infuse into the House of Commons a more wholesome spirit. I do not believe that to increase the power of the people, or rather to bring that power into more direct, immediate, and incessant operation upon the House—(whether such effect should be produced by rendering elections more popular, or by shortening the duration of Parliaments, or by both)—I do not believe, I say, that this change would enable the House to discharge its functions more usefully than it discharges them at present. With respect to the plan of universal suffrage and annual Parliaments, it seems to be pretty generally agreed, that it would deprive the government of all consistence and stability. Most of the advocates for reform disclaim these doctrines, and resent the imputation of them. I am glad

of it. But I confess myself at a loss to understand how *any* extension of suffrage on *principle*, how any shortening of Parliaments on principle, can be adopted without opening the whole scope of that plan: and I confess myself not provided with any argument satisfactory to my own mind, by which, after conceding these alterations in *principle*, I could hope to controul them in *degree*. I am still more at a loss to conceive in what way such partial concession could tend either to reconcile to the frame of the House of Commons those who are discontented with it as it at present stands, or to enable Parliament to watch more effectually over the freedom, the happiness, and the political importance of the country.

Dreading therefore the danger of total, and seeing the difficulties as well as the unprofitableness of partial alteration, I object to this first step towards a change in the constitution of the House of Commons. There are wild theories abroad. I am not disposed to impute an ill motive to any man who entertains them. I will believe such a man to be as sincere in his conviction of the possibility of realising his notions of change without risking the tranquillity of the country, as I am sincere in my belief of their impracticability, and of the tremendous danger of attempting to carry them into effect; but for the sake of the world as well as for our own safety, let us be cautious and firm. Other nations, excited by the example

of the liberty which this country has long possessed, have attempted to copy our constitution; and some of them have shot beyond it in the fierceness of their pursuit. I grudge not to other nations, that share of liberty which they may acquire: in the name of God, let them enjoy it! But let us warn them that they lose not the object of their desire by the very eagerness with which they attempt to grasp it. Inheritors and conservators of rational freedom, let us, while others are seeking it in restlessness and trouble, be a steady and shining light to guide their course, not a wandering meteor to bewilder and mislead them.

Let it not be thought that this is an unfriendly, or disheartening counsel to those who are either struggling under the pressure of harsh government, or exulting in the novelty of sudden emancipation. It is addressed much rather to those who, though cradled and educated amidst the sober blessings of the British Constitution, pant for other schemes of liberty than those which that Constitution sanctions—other than are compatible with a just equality of civil rights, or with the necessary restraints of social obligation; of some of whom it may be said, in the language which Dryden puts into the mouth of one of the most extravagant of his heroes, that,

> "They would be free as nature first made man,
> Ere the base laws of servitude began,
> When wild in woods the noble savage ran."

Noble and swelling sentiments!—but such as cannot be reduced into practice. Grand ideas!—but which must be qualified and adjusted by a compromise between the aspirings of individuals, and a due concern for the general tranquillity;—must be subdued and chastened by reason and experience, before they can be directed to any useful end! A search after abstract perfection in government, may produce, in generous minds, an enterprise and enthusiasm to be recorded by the historian and to be celebrated by the poet: but such perfection is not an object of reasonable pursuit, because it is not one of possible attainment: and never yet did a passionate struggle after an absolutely unattainable object fail to be productive of misery to an individual, of madness and confusion to a people. As the inhabitants of those burning climates, which lie beneath a tropical sun, sigh for the coolness of the mountain and the grove; so (all history instructs us) do nations which have basked for a time in the torrent blaze of an unmitigated liberty, too often call upon the shades of despotism, even of military despotism, to cover them—

> — "O quis me gelidis in vallibus Hæmi
> Sistat, et ingenti ramorum protegat umbrâ!"—

—a protection which blights while it shelters; which dwarfs the intellect, and stunts the energies of man, but to which a wearied nation willingly

resorts from intolerable heats, and from perpetual danger of convulsion.

Our lot is happily cast in the temperate zone of freedom: the clime best suited to the development of the moral qualities of the human race; to the cultivation of their faculties, and to the security as well as the improvement of their virtues:—a clime not exempt indeed from variations of the elements, but variations which purify while they agitate the atmosphere that we breathe. Let us be sensible of the advantages which it is our happiness to enjoy. Let us guard with pious gratitude the flame of genuine liberty, that fire from heaven, of which our Constitution is the holy depository; and let us not, for the chance of rendering it more intense and more radiant, impair its purity or hazard its extinction!

The noble lord is entitled to the acknowledgments of the House, for the candid, able, and ingenuous manner in which he has brought forward his motion. If in the remarks which I have made upon it, there has been any thing which has borne the appearance of disrespect to him, I hope he will acquit me of having so intended it. That the noble lord will carry his motion this evening, I have no fear; but with the talents which he has shown himself to possess, and with (I sincerely hope) a long and brilliant career of parliamentary distinction before him, he will, no doubt, renew his efforts hereafter. Although I presume not to

expect that he will give any weight to observations or warnings of mine, yet on this, probably the last, opportunity which I shall have, of raising my voice on the question of Parliamentary Reform, while I conjure the House to pause before it consents to adopt the proposition of the noble lord, I cannot help conjuring the noble lord himself, to pause before he again presses it upon the country. If, however, he shall persevere, and if his perseverance shall be successful—and if the results of that success shall be such as I cannot help apprehending—his be the triumph to have precipitated those results—be mine the consolation that to the utmost, and the latest of my power, I have opposed them.

The House divided—

Ayes	164
Noes	269
Majority against the Motion	105

ROMAN CATHOLIC PEERS' BILL.

APRIL 30th, 1822.

Mr. Canning.—If I could flatter myself with the expectation of conveying to the minds of those who hearme, the same conscientious conviction that is impressed upon my own, of the justice and expediency of the measure which I am about to recommend to the consideration of the House, I should approach this question with a feeling of confidence, such as I have never before experienced. If I now approach it with feelings of a mixed nature; with much of hope, indeed; but with much of trepidation and anxiety, it is because, if my motion should unhappily fail of success (I trust it will not fail), I have no refuge in the doubtfulness of my case, none in the paucity of arguments to be adduced in support of it,—from the painful but unavoidable conclusion, that a cause unquestionably just, will have been lost by the inability of its advocate.

Before I proceed to state the grounds on which I shall call on the House for the removal of the disabilities under which Roman Catholic Peers labour with respect to their undoubted

right of sitting and voting in Parliament, it may be expedient to get rid of some particular and preliminary objections, which have been made, rather to the manner and form than to the principle of the proposition which I am bringing forward; some within the walls of this House, others in conversation out of doors.

The first objection which I shall notice, is one which was originally started by the honourable member for Bristol (Mr. Bright), and has been just now repeated by the honourable member for Somersetshire (Sir T. Lethbridge), that this motion for the admission, or rather the restoration, of Roman Catholic Peers to Parliament, is an insidious attempt to obtain a partial decision on the whole of what is called the Catholic Question. In contradiction to this objection comes another, which asserts, that the separation of one class of the Catholic community from the rest, must necessarily prejudice the whole. I might in fairness set these contradictory objections face to face, and leave the one to balance the other; but I will offer a word or two on each. If my measure be a step to advance the general question, it cannot prejudice that question; if it be, on the other hand, an obstacle to the success of the general question, then surely it must be hailed with delight by those who wish that question to be lost.

In one sense, I admit, the proposed measure

would be of advantage to the general question; in as much as the gain of any one of the several parts of which that question consists, would be a deduction from the amount of the difficulties to be overcome in carrying the whole.

There is another and a more general sense, in which the mere introduction of the present measure may be an advantage to the general question; I mean from the discussion which it will occasion. In all cases, founded in truth and in justice, frequent discussion is of itself an advancement; and those who would find fault with me on that principle, tacitly admit that their view of the subject will not bear the test of discussion. But it would not be enough for their purpose to suppress discussion alone. Unless they can check the course of thought and arrest the flight of time, every hour must bring us nearer and nearer to that establishment of truth upon which ultimate success depends.

In any other sense, I deny that the present question can be considered objectionable, on the plea of taking an unfair advantage: and it has one great recommendation, peculiar to itself, that it places the matter of dispute on a basis accurately circumscribed, relieving it from many complicated considerations, in which the more general question is necessarily involved. Hitherto it has been objected to the advocates of the Catholic Question, that they did not confine themselves to law

and fact; that they assumed *data*, and wandered into generalities; soared to the highest regions of abstract principle, and ranged in the widest fields of remote analogy; but that they did not respect the limitations of statutes and the landmarks of the Constitution. I trust that, in what I am now about to submit to the House, I shall be able to change place with my antagonists; to meet them on the very ground which they pride themselves upon choosing—the ground of fact and law; and, without undervaluing the general topics which belong to the general question, to adhere strictly to the matter of the notice which I have given; and to address myself no further to that general question, than the discussion of principles which belong to it as a whole, must, in the consideration of one of its parts, render necessary and unavoidable.

The other objection comes, I presume, from friends of the general question, who are so high-minded as to be indifferent to any progress towards success, unless the whole question can at once be carried; not because they think that this partial concession will confer valueless privileges, but that it will strip the general cause of many topics of declamation. Much as I am disposed to admit the efficacy of discussion, I confess myself not one of those who, to enrich future debates, would deprive myself of present practical advantage. If there be any force in such an objection,

why not go back to the time when the penal code, with all its oppressive and odious inflictions, was in full, unmitigated operation?—when even the most jejune statements must have been powerfully eloquent, from the mere strength of the facts, the very amount of the sufferings which they had to detail! How must such objectors lament the removal of so many disabilities, under which the Roman Catholic has long ceased to groan! How must they regret, that from an early period of the late reign up to the present time, so many of the most galling fetters have been gradually taken off, and leave little more than the mark of them now visible! How must they regret the act of 1778, which restored to the Roman Catholics the right of property; the act of 1791, which removed many vexatious disabilities, with respect to the exercise of religion, to professions, to civil, and in several important instances political, rights! How must they deplore the act of 1793, which gave to the Irish Roman Catholics—in many instances advisedly, distinctly, specifically—in all more remotely, and by sure implication—political power and consequence, in giving them the elective franchise! How must their sorrow have been increased by the measure which, five years ago, silently opened the army and navy to Catholic enterprize, bravery, and ambition! I suppose, Sir, all these boons are to be lamented; because, if still withholden, they would have formed the

ground-work of a most impressive speech, the topics of which are now comparatively reduced! I need not say how differently I view this matter, and how unwise I consider the opinion, that the advantage of better grounds of complaint would have been cheaply purchased at the expence of continued privations.

But another objection is coupled with the last, which entitles it to further consideration. It is suggested, that the noble persons interested in the present measure have some disinclination to the introduction of it, because it does not include all those who are connected with them by the same religion. I give those noble individuals credit for the most liberal feelings on this subject; but I will add, that I have never appeared in this House as the sworn advocate of the Roman Catholics (I may have used the word advocate, but if so, it was in its common and popular sense —not as implying any special commission from them, or consultation with them); I have never pleaded for them, except on public principles, on principles of state policy, and of national benefit. I seek not their thanks or their praise; nor can I ask their opinions on a parliamentary measure of relief; and least of all the opinions of those among them who have the most peculiar interest in such a measure. Such would be my answer, if I had reason to believe the suggestion to which I have referred, to be correct: but I am

relieved from any embarrassment on this point, by a communication which I have this day received from the individual of the highest rank in the Catholic—indeed in the British—peerage, which I have permission to read to the House. I will not abuse that permission by reading the whole letter: it is sufficient to say, that after alluding to the reports which have been circulated as to the objections said to exist in the minds of some of the Roman Catholic lords, the letter concludes with these words, "I am to assure you, on their authority, that there is no foundation whatever for such report." I will not add any thing to this declaration, except only to repeat to a larger audience what I have before said in this House, and often in private, that as I did not think it any part of my public duty to consult the opinion of the parties interested in this motion, so I declare upon my honour, that the proposition which I shall have the honour to move, has not been suggested to me directly or indirectly by them, or by any person connected with them. The responsibility is entirely my own; and if I call upon Parliament to legislate in the case of a few individuals, I do so as little from any individual instigation as if that legislation were to embrace the whole Roman Catholic community, or the whole community of England.

Another objection which I have somewhere heard is, that there is something peculiarly im-

proper in originating in the House of Commons, a measure which concerns exclusively the rights and privileges of the House of Peers. This is an objection, the validity of which must be mainly decided by precedent; and if I look to precedent, I find that the very act, the operation of which I now propose to correct, originated in the House of Commons. The disqualification which it created, was peculiar to the peers. It imposed, indeed, on *both* Houses of Parliament the declaration against transubstantiation, and so forth, which we still take, at our respective tables, in this House and in the House of Lords. But up to the passing of the act of the 30th of Charles II. the relative situation in which the Roman Catholic peers stood with respect to Roman Cathplic commoners was this—the commoners were already required to take the oath of supremacy, the peers were not. The Roman Catholic commoners, therefore, were disabled from sitting in Parliament, so far as the oath of supremacy disqualified; the Roman Catholic peers held their seats unquestioned. Although it be true, therefore, that the act legislated in *apparently* equal terms with respect to both, it in effect only confirmed a disability under which commoners before laboured, but created for the peers one to which they had not been subjected before. If that act then originated with the House of Commons, in the name of common sense, what reason

can there be for supposing, that as the Commons originated the disability, they may not also originate the relief?

But why need I confine myself to this particular act? The act of the 5th of Elizabeth originated with the House of Commons. The act for disqualifying the bishops originated with this House in 1641, an evil time, undoubtedly, an evil example, therefore, if it stood alone; but peculiarly applicable to the present argument, since twenty years afterwards the Commons repaired the outrage inflicted through that act, by originating the act of the 13th of Charles II. by which the bishops were restored to their seats in Parliament. When I have such precedents before me, what need have I to go farther? Or how can it be maintained, for an instant, that there is any thing disrespectful to the other House of Parliament in originating a measure in which their privileges are concerned, much less that it is disrespectful that the same House which created the grievance should, in an hour of late but proper penitence, suggest the relief?

This last objection reminds me of another which may appear to be countenanced by the speech of the honourable member for Somersetshire, a speech so flattering to myself, that I am bound to acknowledge it with thankfulness, at the same time that I venture to dispute the inference to which it might seem to lead. I have been told

that I am guilty of inconsistency in introducing a principle of reform in the House of Lords, while I persevere in opposing a reform in the House of Commons. This being merely an *argumentum ad hominem*, I may not perhaps be justified in taking up the time of the House to refute it; but as it has been at all times deemed excuseable if not important, that the proposer of any measure should endeavour to stand well as to his motives before those to whom he proposes it, I will say a few words on this subject. It often happens very provokingly, that the point on which a man piques himself most, is that which is selected for a charge against him. Now, I really do flatter myself, that instead of being liable to this charge of inconsistency in bringing forward the present motion, I can show it to be perfectly consistent with every principle on which I have resisted Parliamentary Reform. In resisting Parliamentary Reform, I have always contended, that it behoves the proposer of such a measure distinctly to define his meaning—whether he aims at constructing the House of Commons anew, or at restoring it to a particular state or condition in which it was at some former period? If the former, I require the nature of the meditated change and its principle and extent to be fully described. If the latter, I ask at what time the House of Commons was precisely such as the reformers wish to make it? These I hold to be necessary tests of any measure of

reform, and by these tests am I willing to have my own proposition tried. To the first question I answer, that my object is *not* to reconstruct the House of Lords, but to bring it back to a state in which it formerly existed; and if desired to point out the period at which it did exist in the state to which I wish to restore it, I point to the period which terminated on the 30th of November 1678, on which day the royal assent was given to the act, by which Roman Catholic peers were excluded from the House of Lords. Up to that day, by immemorial custom, peers had held their seats in Parliament unquestioned, and without disqualification on account of religious opinions; and in the 5th of Elizabeth,* that right was recognised by special statute. The principle of my measure therefore is not innovation, but restoration; and if further questioned as to the extent to which this restoration would go, I reply —to the immediate admission of six English Catholic peers; and by possibility, at some future

* 5th Eliz. ch. 1. sect. 17. "Provided alway, That forasmuch as the queen's majesty is otherwise sufficiently assured of the faith and loyalty of the temporal lords of her high court of parliament; therefore this act, nor any thing therein contained, shall not extend to compel any temporal person, of or above the degree of a baron of this realm, to take or pronounce the oath aforesaid (of supremacy), nor to incur any penalty limited by this act, for not taking or refusing the same; any thing in this act to the contrary in any wise notwithstanding."

time, to the admission of about the same number of Irish.

I have thus put my proposition to the tests to which I am in the habit of requiring that every measure of reform should be submitted; and I trust that I have vindicated myself from the imputed inconsistency of supporting a reform in one House, whilst I oppose it in another. I have shown that my reform has all those characters, without which none can be safe or ought to be tolerated; that it is something precise and intelligible, which brings the Constitution back to a state in which it had before existed; and of which the operation is certain, and the consequences limited and defined. But I will go farther: I will show, not only that my measure is not innovation but restoration, but that it is a restoration founded upon principles of the strictest justice. I will show that it restores rights, the suspension of which arose from causes that no longer exist, and was justified on pretences which were never true.

Having, I trust, cleared away all preliminary objections, I proceed now to the substance of my motion. The history of our Legislation as affecting the Roman Catholics, may be divided into three periods; the first, dating from the Reformation, or to be more precise, from the beginning of the reign of Elizabeth, to the Restoration of Charles II.; the second, from the reign of Charles II. to

the Revolution; and the third, from the Revolution to the reign of his late Majesty, the auspicious æra of the relaxation of the penal code. This division, unequal in point of time, is dictated by the difference of the principles of legislation which distinguish these several periods. The precautions, and in the latter part of her reign, the severities, of Elizabeth, were caused, if not justified, by the disquietude of one religion not altogether put down, and the instability of another not wholly established; and by those frequent plots against her crown and her life, which were instigated by the influence of foreign politics, and connected an opposition to her belief with a refusal of allegiance to her authority. The security of Elizabeth's throne was identified with the establishment of reformed religion. In the third period (passing the second for the present) the period from the Revolution to the time when legislation against the Roman Catholics ceased, the causes which operated against them, were a deposed and exiled Monarch who was of the same religious belief, a new dynasty, and a disputed succession. Politics were here again blended with religion; and the one was considered as a sort of test of the other. In such a state of things, it was natural that William III. and his advisers, not only should not do away any of the laws which they found already enacted against the Roman Catholics; that they should rather adopt

and strengthen them with additions calculated to discountenance the religion of the exiled Monarch, to discourage the acquisition of property by those who with that property might assist his rival, and to disarm those hands which were likely to be lifted against the new establishment. To render his Roman Catholic subjects feeble and powerless, was to deprive his rival and his foreign enemies of the means of disturbing the tranquillity of his kingdom: and the measures which King William pursued for this purpose must be considered not only as measures of internal regulation but of foreign policy and war. The revocation of the Edict of Nantes, some years before, had contributed not a little to the exasperation of religious animosities: and it can hardly be doubted that something like the same policy suggested the expediency of endeavouring to drive the Catholics of England, (though by a less open and violent process,) to expatriation.

I state these considerations, without either condemning or justifying them: without condemning, because much allowance must be made for the political exigency of the times; without justifying, because it would indeed be painful to justify, in cold blood, the harsh and terrible enactments of irritation, jealousy and fear. In Ireland, especially, where so much greater a proportion of the people was hostile to the Government, and favoured the cause of the dethroned

King, the system towards the Catholics was one of unmixed oppression. The endeavour there was to grind the people to the dust, to loosen the holds of family and kindred, to reduce society to barbarism, and to erect a garrison of Protestants amidst a nation of Catholic slaves. But was this attempted in mere wantonness or caprice? No: but because the Protestant religion in Ireland was less settled; and because the opposition to it was, almost in every instance in that day, connected with the support of a competitor for the Crown.

In both those periods, therefore, that of Elizabeth and of the Revolution, the cause of the Protestant religion was also the cause of the throne; and the enactment of penal statutes against Roman Catholics was dictated more by policy than by faith. The intervening period comprizes the reign of Charles II. to which I shall now come, and with which alone we are for this night's question concerned. The measures against the Roman Catholics, passed in that reign, not only constitute the object of our consideration on this occasion, but they are almost the only remains of legislative enactments against the Roman Catholics, which survive at the present day. For in the merciful reign of our late Sovereign George III. almost the whole of the penal laws of the two periods to which I have already referred, were repealed. The 5th of Elizabeth, (which was con-

firmed by the 30th of Charles II.); and the 13th of Elizabeth, prohibiting all communication with the See of Rome, (which, though technically still in force, has long fallen into disuse), are, I believe, nearly all that remain of the penal and restrictive statutes of Elizabeth: and a statute of Queen Ann, which transfers to the two Universities advowsons of livings possessed by Roman Catholics, is, I believe, the only material remnant of the penal and restrictive code enacted since the Revolution. There were till lately other acts in force, prescribing certain oaths which excluded Catholics from the army and navy; but that exclusion was practically done away by an act of 1817. I say, I believe this to be as I state it; because I will not venture positively to affirm so general a proposition. That in some corner of an obscure statute, there may not still lurk some penal or restrictive clause, which has not been swept away, I cannot undertake to aver; but, speaking generally, I believe I may say, that the whole of the penal enactments which remain in force against the Roman Catholics, will be found within the period of the reign of Charles II.

In narrowing the compass of the debate within these limits, we get rid of abundance of matter which has encumbered the principle of the general Catholic Question, and distracted our debates in former sessions. The anti-catholic Legislation of Charles II. may be discussed on its own grounds.

It holds to the period which preceded it, principally by the very statute which is the occasion of my motion, by which statute the 5th of Elizabeth was confirmed and extended; and to the period which followed it, by the continuance or re-enactment of this statute * (with other acts of Charles II.) after the Revolution.

In entering upon the transactions of the reign of Charles II. I am aware that I enter upon the most debateable ground of our history. The accounts of it given by writers on different sides, are extremely partial; but I shall endeavour to state the facts necessary to my argument, without adopting the extravagances of either party. I think I may safely assert, then, that Charles, though not avowedly, was secretly a Catholic; that his brother was avowedly of that religion; that the latter, if not the former, was justly suspected of designing to re-establish that religion, and to subvert the Constitution of the kingdom; and that in consequence Parliament looked with very great jealousy to the prospect of the Duke of York's succession to the throne; that in effect the predominant feeling of the Parliament of that day was dread of a popish successor. If that point be kept steadily in view, it will throw light upon much that would be otherwise obscure, and make

* The oath of supremacy, mentioned in the Act of Charles II. was remodelled by the Act of the 1st of William and Mary; the delaration remained unchanged.

clear much that would otherwise seem complicated and difficult; it will divest some of the measures of that Parliament of the stain of excessive rigour, and some of the principal actors in them of the appearance of an inconsistency not otherwise to be explained.

That the great object which the House of Commons had in view, was the debarring the Duke of York from the succession, is plainly evinced by their repeated remonstrances, and by the many indications of ill-will towards the Duke of York personally, which preceded the direct attempt at his exclusion. In stating these facts, I do not mean to impute blame, but simply to show the object of the House of Commons. Their proceedings were steadily directed to their object. The Test Act (the 25th of Charles II.) though introduced ostensibly for the purpose of affecting all officers, civil and military, dissenters from the established church, was evidently aimed at the Duke of York: and it had immediately the effect intended by its promoters; for as soon as it was passed, the Duke laid down his office of Lord High Admiral of England. The address to the Crown against the Duke of York's marriage with a Catholic, and the address to remove the Duke of York from the King's presence and councils, which was first agitated while the act of the 30th of Charles II. was pending in the House of Lords, were of the same character. To crown all, the act of the 30th of Charles II. itself, the immediate

object of this night's discussion, while its avowed object was to exclude from both Houses of Parliament, peers or commoners who refused to take the oath of supremacy, and to subscribe the declaration therein contained, was manifestly pointed against the Duke of York; whom, if it had been passed into a law as sent up from the House of Commons, it would have reduced to utter insignificance. In the House of Lords, the Duke of York, not without some difficulty, succeeded in procuring an exemption in his favour. When the bill was sent back to the Commons, this exemption was adopted there by a majority of only two. And then and not till then it was, that the House of Commons, finding the Duke protected from the operation of this act, resorted to the more direct measure of an Exclusion Bill. Removed from office by the Test Act, and from the King's presence and councils by address, if they could also have removed the Duke of York from Parliament, their work was done: and done, as the soberer part of his opponents would have wished, without a measure of so strong and questionable a character as a breach in the legitimate succession to the Throne. That the King was perfectly aware of the object of the Commons, is plain from several of his messages and speeches; but more particularly from a speech which he made to both Houses of Parliament, while the act of the 30th was pending in the House of Lords, in which speech he promises to agree

to any "reasonable bills," to "make them safe in the reign of his successor, so as they tend not to impeach the right of succession." Rapin, an historian not disposed to throw a deeper shade on the acts of the House of Commons than truth requires, plainly intimates that, through the whole of these proceedings, the desire to exclude the Duke of York from the Crown was all along the governing motive of the Commons;—that they attacked him step by step; and that, when all the smaller measures failed, or were evaded, then they resorted to an Exclusion Bill, as the ultimate and effectual remedy.*

What inference do I draw from this series of transactions? that the Parliament of that day were wrong?—that the succession of the Duke of York ought not to have been guarded against as dangerous?—No. But simply that this *was* the real and undoubted danger against which the Parliament were anxious to provide, and that the

* "The Commons, not satisfied with these slight precautions, prepared a bill to prevent the danger from so many papists sitting in parliament, and particularly in the House of Lords. But this was only a preparative for the more easy prevention of the danger with which religion was threatened, from the hopes conceived by the papists of seeing the Duke of York on the throne after his brother, who neither had, nor expected to have, any legitimate issue. This danger caused several members of the Commons to form the project of a bill for excluding the Duke of York from the succession to the Crown: but this was done by degrees."—RAPIN, Vol. II. (folio) p. 692.

penal enactments of that day rested on the ground of this great state necessity. But if such was the ground of enacting, what is *now* the ground for continuing those penalties? Where is *now* the popish successor to the throne? Where is *now* the danger of popish ascendancy within these realms? and if there be none in existence, are we justified in retaining the same penal measures as our ancestors framed in peril and necessity,—*now*, when all the peril is passed, and when the necessity exists no longer?

In reviewing these events, I do not mean to enter into a disquisition how far a great and legitimate political object does morally justify a sacrifice of the rights of innocent individuals; neither do I mean here to affirm or to deny the guilt or innocence of the parties affected by the measures which I have described. I might, without prejudicing my argument, assume *either* supposition: I might concede or might contend, either that the necessity of getting rid of the Duke of York's succession did, or that it did not, justify the expulsion of the Catholic peerage from Parliament. The question in *either* case alike recurs—shall we, who have not the same motive or excuse of danger, wantonly and vexatiously continue the same remedy? and when called upon to remit the penalty of an exclusion, now no longer maintainable on the grounds on which it was enacted, shall we convert a measure of

temporary precaution into one of permanent privation and punishment?

My first argument, therefore, for getting rid of the consequences of the act of the 30th of Charles II., by which peers professing the Roman Catholic religion were first excluded from their seats in the House of Lords is, that the main object of that act was not the one which in fact was effected by it; that the intent of those who framed that act was to exclude the Duke of York, the popish heir presumptive to the Throne; that though the provisions of it were made general, its real aim was particular;—that the Roman Catholic peers were comprehended in that aim only because it was suspected that they might be abettors of the Duke of York's politics, and instruments of his designs. A careful perusal of the history of those times will satisfy any candid mind, that the pervading principle of all the proceedings of the Commons, was the exclusion of the Duke of York; and that this and other acts were but so many different ways of compassing that object.

I come next to inquire into the particular circumstances under which this act of the 30th of Charles II. was passed.

In the midst of the jealousies and apprehensions of the Commons, and while the project of excluding the popish heir presumptive was working in their minds; in the hottest ferment of

political controversy, came to the aid of the exclusionists, the memorable Popish Plot: a plot, which I will not (amidst conflicting testimonies) venture to affirm to have been pure invention and unmixed falsehood, but upon which the concurrent opinions of history and posterity have stamped the characters of perjury and fraud. The season, as Mr. Hume well observes, "was peculiarly fit for seizing on the fears and apprehensions of a people jealous to an extraordinary degree, and alive to every suspicion. The cry of 'a plot!' all on a sudden struck their ears; and they, like men affrighted and in the dark, took every figure for a spectre. The terror of each man became the source of terror to another; and an universal panic being diffused, reason and argument, and common sense and common humanity, lost all influence over them."

We are in the habit of referring, and often justly, to the wise and firm manner in which our ancestors asserted and maintained their liberties, and secured the transmission of them to their posterity. But it is not easy to look at the proceedings of the Parliament in 1678, without expressing a doubt whether that be a period which an historian would be disposed to select, as exhibiting in the most favourable light that eminent firmness and wisdom. The Parliament met on the 21st of October. The King's speech made only a slight allusion to the Popish Plot. The

Commons either felt or affected a great solicitude for further information; they sat day after day, and all day long, engaged in the examination of Titus Oates and other witnesses; and in the interval of these examinations, and while they had a select committee employed in searching for barrels of gunpowder under the House (which it is needless to say were not found), they passed the act which is the subject of our discussion, and which, or rather the re-enacted remnant of which (for two thirds of it are obsolete), is now the chief bulwark of the British Constitution. Exactly on the seventh day after their meeting, they sent their bill up to the House of Lords for their approbation. It went up, however, not unharbingered. Some days before the bill passed the Commons, warrants were issued *by order of that House*, for the arrest of five out of about eighteen Catholic peers who then sat in the House of Lords.

The Commons may have deliberated with becoming gravity and temper; they may have framed their bill with extraordinary wisdom;—(the grammar of it is indeed in some parts a little hurried, but not more than I suppose was thought to comport with the urgency of the occasion);—they may have had abundant reason for not delaying the course of just precaution which they thought the emergency required: but in what temper of mind must the *Lords* have proceeded,

when they saw five of their own body swept away,—torn from their seats, and committed to prison,—as a preliminary to the first reading of the bill?

It was in this state, however, of calm and fearless preparation, that the House of Lords was called upon to enact the 30th of Charles II. Their progress in the bill was watched by the Commons with a jealousy which in these days would, I think, be considered as hardly compatible with the mutual independence of the two Houses of Parliament. Did the Lords presume to defer the consideration of the bill from one day to another;—they were goaded with messages from the Commons, reminding them that such a bill was on their table. Assailed by all the horrors and absurdities of the plot, and with Titus Oates thundering at their doors, they at length passed the bill; but, moved by the tears and protestations of the Duke of York, they introduced into it the exemption in his favour, and so returned it to the House of Commons. The bill so returned, did, as has been said, greatly disappoint the Commons, who saw their main purpose defeated by the exemption of the Duke of York from its operation. It was, however, sufficiently comprehensive to exclude the whole of the Catholic peers from their seats in Parliament: and that exclusion, so enacted, as I have described, continues unto the present hour.

In truth, I am strongly persuaded that the framers of the bill themselves did not intend to inflict a permanent disability. They had in view a specific purpose, the exclusion of the Duke of York; which, they thought, the alarms and agitation then prevailing would help them to achieve. But what reason is there to believe that—that purpose once achieved—they would have altered the frame of the constitution of Parliament, such as it had subsisted immemorially—such as it had been confirmed by statute for the last one hundred and fifteen years? The King himself was plainly of opinion that the act was intended only to be temporary; for in passing it, he expressly says that he consents to it, because it is thought "*fitting at this time.*"

Again I aver, that the more the transactions of that time are studied, the clearer it will appear, that if the Duke of York had not been a papist, the Catholic peers would not have been disturbed in their seats.

What, then, is the condition of the Catholic peers of the present day? A measure, which there is every reason for believing that our ancestors devised as a precautionary security against an existing and defined danger, will, if not permitted by our vote this night to be re-considered, be permanently fixed upon these peers and their successors for ever, without the smallest imputation

of crime, or the shadow of present justification. That we may truly estimate the amount of the wrong thus inflicted, let us consider what was the species of right which was affected by the 30th of Charles II.

Attempts had been made in former years, but with quite different objects, to impose oaths and declarations upon the House of Lords, annexing to neglect or refusal the penalty of forfeiture of the right of sitting and voting in Parliament. These attempts had uniformly been resisted—not by Roman Catholic peers only, but by the body of the House. Protests were formally entered upon the journals of the House of Lords, declaring the privilege of peerage to be an honour enjoyed by birthright, and "of so inherent a quality, as that "nothing could take it away but what by the law "of the land could withal take away their lives "and liberties." Nay, only three years previously to the passing of the act of 1678, namely, in the year 1675, in the course of the debates on the bill called the Bishop's Test Bill, (which did not pass into a law), a standing order of the House of Lords was passed unanimously to the following effect: "Ordered, by the Lords spiritual and "temporal, in Parliament assembled, That no "oath shall be imposed by any bill or otherwise, "upon the peers, with a penalty in case of refu-"sal, to lose their places or votes in Parliament,

" or liberty of debates therein." And this order now remains unrepealed among the standing orders of the House of Lords.

How happens it, I ask, that this standing order, framed and entered on the journals three years before the act of 1678, should have been suffered to remain, if the expulsion of the Catholic peers were intended to be perpetual? I do not mean to set up a standing order of one branch of the legislature in competition with the law of the land; or to deny, that if the one contained any thing incompatible with the provisions of the other, the statute must be obeyed, and the standing order disregarded; but from the circumstance of the latter being suffered to remain on the journals, is to be inferred one of two things; *either* that the lords were at the moment in the possession and exercise of their calm deliberative functions, and intending the expulsion of the peers to be but temporary, did not revoke the standing order; *or*, that in the enforced haste and trepidation of their proceedings, they had not presence of mind to pause at the order which they had only three years before unanimously sanctioned. The more probable inference seems to be that, acting under the menaces of the Commons, and under the hazard (if they should refuse their assent to the measure then demanded) of being involved in the charge of conspiracy to murder the King and subvert the Constitution, their sober

deliberate judgment was, in a great degree, overpowered by the sense of immediate danger; but that they did yet look forward to a time when, after the passing of the storm, they might recur to the principles of their standing order. That order was, therefore, suffered to remain unnoticed, (for to bring it into notice would have been, in the heat of the time, to ensure its repeal—and yet surely it was too recent to be forgotten), a dormant but solemn recognition of those privileges of the peerage which were suspended, not annihilated, by the act of Parliament. There is no other rational way of reconciling so apparent a contradiction.

When a bill is passed for suspending the operation of the Habeas Corpus Act, the Habeas Corpus Act remains upon the statute book unrepealed; to break out again with unchanged lustre, when the veil of the suspension is removed. In like manner this standing order was probably considered as retaining its force, while it retained its situation; though overlaid for a time by the oppression of the occasional statute.

This construction derives considerable force from the terms of the statute itself; great part of which is, in its very nature temporary—and the whole so loose and inaccurate, as to form a specimen of legislative skill, utterly unworthy to be (as some are of opinion it ought to be) considered as fundamental to the Constitution. For example,

the preamble declares, that "divers good laws had "been made for preventing the increase and dan- "ger of popery; which have not had the desired "effect, by reason of the free access which "popish recusants have had to his Majesty's "Court, and by reason of the liberty which, of "late, some of the recusants have had and taken "to sit and vote in Parliament." Now, here are two distinct grievances alleged, for which the Act provides two different remedies; for the access to his Majesty's Court, the obvious remedy of forbidding the resort of papists to court; for the danger arising from sitting and voting in Parliament, that of their removal from the two Houses. But it is to be observed, that the two grievances are not only distinct in themselves, but apply quite plainly to different classes of persons. The latter part of the preamble—that which relates to sitting and voting in Parliament—is absolute nonsense, if applied to the peers; for it was not only "of late" that peers of whatever religion, had had the privilege of sitting in Parliament: peers had never lost it; up to that period they sat in the House of Lords as a matter of right, not affected by the oath of supremacy imposed by the 5th of Queen Elizabeth on the House of Commons, but, as I have already said, exempted by a special clause, from the operation of that oath. In the House of Commons, indeed, some Catholics had contrived, by evasions of one kind or another, to regain

seats; and there had lately been two or three expulsions of members detected to be popish recusants. One species of popish recusancy was the refusal to take the oath of supremacy. The declaration in the preamble *could* therefore apply only to the Commons; yet the exclusion which this act effected comprehended both; and, for a reason which affected only the Commons, excluded the Lords from their seats in their own House of Parliament. Upon the face of the statute itself, here is a flagrant and manifest injustice, here is an inconsequence so obvious, that nothing but the heat and terror of the times could have enabled it to pass. Whereas Catholics have "of late" found their way into the House of Commons, in spite of the provisions of the act of Elizabeth; be it enacted—What? That Roman Catholic peers,—whom the 5th of Elizabeth did not touch, who were never for a moment out of Parliament, and who, therefore, cannot in common sense be said to have "had and used *of late*," that which they have "had and used" from time immemorial, without let or interruption—shall lose their seats in the House of Lords. Is this the sort of syllogism by which rights ought to be taken away?

The other grievance stated in the preamble,—the access to the King's Court, does apply to the peers, and to them, with more peculiar force than to the Commons; as a peer, in his character of an

hereditary counsellor of the Crown, had the means of more easy and frequent access. The peers, therefore, were logically (if not justly) banished from the court. But mark the singularity of the fate attending this enactment; and observe how it countenances the construction, that the whole act was of a temporary nature. This liability of a Catholic peer to be prosecuted for coming into His Majesty's presence, or into the court where the King resided, is removed. It is the only penalty on the peer which the preamble of the statute which we are examining, reasonably infers; and this penalty is removed! It has been removed by the act of 1791, commonly called Mr. Mitford's (now Lord Redesdale) Act. The Catholic peer is again admissible to the presence of his Sovereign, is again acknowledged an hereditary counsellor of the Crown. Here then is one of the deprivations, which the act of Charles II. inflicted upon Catholic peers, done away; and that deprivation, the only one for which the statute assigned a reason: while that for which (as I have shown) the statute assigned *no* reason in their case,—exclusion from Parliament,—is maintained.

And in what manner has this relief been given? and what is the state in which Catholic peers are now placed by the double operation of the old and the new law? The act of 1791 relieved Roman Catholic peers from that part of the oath

of supremacy which Catholics cannot take consistently with their spiritual scruples. In the oath of supremacy it is sworn, "that no foreign prince, person, prelate, state or potentate, hath or ought to have any jurisdiction, power, superiority, pre-eminence, or authority, *ecclesiastical or spiritual*, within this realm." By the act of 1791, the Roman Catholic is to swear that he does not believe that "the Pope of Rome, or any other foreign prince, prelate, state or potentate, hath or ought to have *any temporal or civil* jurisdiction, power, superiority or pre-eminence, directly or indirectly, within this realm." After taking this latter oath, the Catholic peer is competent to go into the presence of his Sovereign; to tender his advice in the royal closet. But into Parliament he cannot go without taking the oath of supremacy in its former shape; and further, without denying transubstantiation, and asserting the invocation of the Virgin Mary and other saints, and the sacrifice of the mass, to be superstitious and idolatrous. Here then is an individual entitled by birthright to the enjoyment of two particular privileges;—the one to tender to his Sovereign, as one of his hereditary counsellors, such advice as he may think expedient for the affairs of the nation; the other to sit in Parliament, and, in the face of his peers and of the nation, to defend in his place as a peer the advice which he has given in that character. Let him only deny the "*civil*

and temporal" power of the Pope,—and no man can prevent his entering the royal closet;—no man can prevent that access which would enable him, if he were an assassin, to plunge a poignard into his Sovereign's breast, at an interview so easily and simply acquired; at any rate, he may influence the royal mind, without danger or risk of personal responsibility: but before he can publicly answer for the bad, or good, use which he may have made of these opportunities, he must deny the "*ecclesiastical and spiritual*" authority of the Pope, and enter deeply into the disputes about transubstantiation. Was ever absurdity like this? The Catholic peer may drive directly to Saint James's, and demand admission to the royal presence; the cabalistic words, "*temporal and civil,*" dissolve the interdiction of the 5th clause of the act of Charles II.; and the closet doors fly open at the sound: but if he turns his horses' heads from the palace towards the Parliament House, the charm loses its efficacy; no entrance there except through the words "*ecclesiastical and spiritual,*"—followed up with a sworn opinion upon certain controverted points of religious faith and worship.

I really know not which is more decisive against the act of Charles II., the disability which is continued, or that which has been repealed; that which is continued, but was enacted without any statement to justify it, or that which has been

repealed, in spite of its more apparent justification. Taken together, this continuance and this repeal constitute an anomaly, not with respect to different classes or different persons, but in the person of each individual peer, such as, I imagine, no legislation can parallel.

But this is not all. The repeal of this clause by the act of 1791, is in another point of view highly remarkable. The repeal is in favour of peers by name; and the act of 1791 originated in the House of Commons. What becomes then of the objection, that the House of Commons cannot legislate for the peers alone? and why, if one act of Parliament, originating in this House, could relieve peers from disability to enter the King's court, may not another act, with the same origin, relieve them from the disability as to Parliament? What is there in this case to prevent the like special relief? If it be answered, as I own it may, that the relief given to peers by the act of 1791, was given to them alone, because they alone required it; there being no members of the House of Commons Roman Catholics; and "popish recusants" being an extinct race in the present day; I reply, that in the grievance which remains to be repealed—the exclusion from Parliament—peers, though not the only, are special sufferers; that the operation of the act of Charles II., was to inflict this suffering on them alone—on the Commons only continuing and enforcing it.

But the strange anomalies in the situation of Catholic peers are not yet exhausted. Fertile as was the reign of George III. in acts of relief, ameliorating the condition of his Roman Catholic subjects; it remained for his present Majesty, at the opening of his auspicious reign, to add a further anomaly to the condition of his Catholic peers, by a distinction the most gracious and benevolent in design, but bringing some mixture of bitterness with enjoyment; a distinction exalting, indeed, the dignity of the Catholic peer, but at the same time sharpening the sting of his recollections. I allude to the coronation. Last year, for the first time for upwards of one hundred and thirty years, were Catholic peers summoned to attend a coronation: an august and awful ceremony; not to be viewed as an unmeaning pomp, a mere gorgeous pageant; but as a public ratification, by the Sovereign of a free people, of the compact which binds together all the orders of the realm. This solemn political rite was celebrated with all the magnificence becoming a monarch surrounded by his nobles, his prelates, and his counsellors, and by crowds of his loving subjects, receiving their united homage, and pledging himself to their protection and good government in return. It was celebrated in the presence of the representatives of Catholic as well as Protestant Europe. Imagine the Ministers of foreign potentates collecting for their respective courts

the details of this splendid and affecting consecration. Who is it that overtops the barons as they march?—the Catholic Lord Clifford. Who is it that does homage to the throne on behalf of the highest order of the peerage?—the Catholic Duke of Norfolk. Whom has the King selected to return thanks to this assemblage of all that is most splendid and most worthy in the realm, in acknowledgment of their libation to his Majesty's health?—again, the Catholic Duke of Norfolk. Did it occur to the representatives of Europe, when contemplating this animating spectacle—did it occur to the ambassadors of Catholic Austria, of Catholic France, or of states more bigotted in matters of religion, that the moment this ceremony was over, the Duke of Norfolk would become disseised of the exercise of his privileges among his fellow peers? that his robes of ceremony were to be laid aside and hung up, until the distant (be it a very distant!) day, when the coronation of a successor to his present most gracious Sovereign, might again call him forth to assist at a similar solemnization?—that, after being thus exhibited to the eyes of the peers and people of England, and to the representatives of the princes and nations of the world, the Duke of Norfolk, highest in rank among the peers, the Lord Clifford, and others, like him, representing a long line of illustrious ancestry, as if called forth and furnished for the occasion, like the lustres and banners that

flamed and glittered in the scene, were to be, like them, thrown by as useless and trumpery formalities?—that they might bend the knee a nd kiss the hand, that they might bear the train or rear the canopy, might discharge the offices assigned by Roman pride to their barbarian ancestors—

"Purpurea tollant aulæa Britanni;"

but that, with the pageantry of the hour, their importance faded away; that, as their distinction vanished, their humiliation returned; and that he who headed the procession of peers to-day, could not sit among them as their equal on the morrow?

Nor is this the only act of royal beneficence and condescension to the highest order of Catholics, which has marked the reign of his present Majesty. In the course of the late royal visit to Ireland, a visit, which I agree with my right honourable friend (Mr. Plunkett) in thinking, was as much a measure of wisdom as of grace, a noble lord of the Catholic religion—the Earl of Fingall—was, by the favour of His Majesty, decorated with the riband of the National Order of Ireland. In the preamble to the statutes of that order, we find the qualifications which every man is understood to possess, who is selected for the distinguished honour of being a Knight of St. Patrick. It is therein declared, "That it hath been the custom of wise and beneficent princes,

in all ages, to distinguish the virtue and loyalty of their subjects by marks of honour, &c. that so their eminent merits may stand acknowledged to the world, and create a virtuous emulation in others to deserve similar distinction." These reasons, no doubt, recommended Lord Fingall for so high a mark of His Majesty's favour. Of his qualifications there can be no doubt; but as to the "emulation" which that most gracious favour was to excite, how was that to be exemplified? Did not Lord Fingall, when he departed from the Court of Dublin to his own estate in the country, find himself in a worse situation, as to the exercise of political rights, than any of the labourers who till the ground around his dwelling? Lord Fingall, a Catholic peer, is not only wholly disqualified from sitting or voting in either House of Parliament, but even from voting at the election of a member for either. The tillers of his ground, Catholic or Protestant, have, probably the very humblest of them, a right of suffrage at the election of a member to represent him in Parliament; while Lord Fingall and his fellows are not thought fit to be intrusted with the privilege of voting at the election of the representative peers of Ireland! Is this an anomaly which ought to have perpetual existence?

Here I take occasion to say, that if the House allows me to bring in the bill which I mean to propose to their consideration, it will be found

to include the Irish as well as the English Catholic peers in its operation; and to enable the former to be representative peers, as well as to vote at the election of them.

I have, as yet, considered the act of 1678 only in a political point of view; but I should greatly under-rate the objections to which it is liable, if I were not to consider it in its not less striking character as a measure of individual injustice. One cannot look at the period and circumstances of the passing of that act, without seeing that the House of Lords legislated under *duresse*, and were instigated to pass it by false pretences. When I speak of false pretences, let me, at the same time, repeat my former observation, that if all the motives had been real instead of being, at least in part pretended; if the object had been to extinguish the Catholic peerage instead of to exclude the Duke of York (the latter, perhaps, a right and necessary measure); if, in short, the statute had been in all its enactments as manifestly just at the time, as they appear even then doubtful and suspicious; still, the necessity for continuing those enactments having long since passed away, their continuance at the present day would be unjustifiable. Had all the five Catholic peers, who were accused of conspiring the King's death and the subversion of the Government, been tried and proved guilty, (whereas no charge was attempted to be substantiated against four of them); had

Lord Stafford, who alone was selected for trial, been as guilty as he is believed to have been innocent; I should still say, that no grounds had been made out for visiting the whole Catholic peerage with perpetual disabilities; I should still say, that it is revolting to the spirit of British law to make eternal, penalties which were enacted for the transactions of times long past,—transactions which have no influence, and infer no guilt in the present age. But if the pretences upon which the act was passed were false; if the Popish Plot (by which the passing of it was so terribly facilitated) was built upon the fabrication of abandoned wretches, committing the most enormous perjury; then, I ask, with increased confidence, upon what plea is this exclusion to be justified? with what grace can any man contend for its prolongation? I contend, that to the Catholic peerage, not only in reference to their quality as peers of the land, but to their feelings and their characters as men, we owe an atonement for the wounds which have been inflicted upon their rights and their honour—for the privations with which they have been punished, not only for no crime of their own, but for no crime at all. We owe them relief from those restraints, which, even if they were merited by the original transgressors, would have been too severely entailed upon an unoffending posterity.

I do not impute to the Parliament of Charles II.

that they did wrong wantonly and wilfully, in the knowledge that the grounds upon which they acted were untrue. In common fairness and candour I believe that Parliament to have taken the evidence on which they proceeded, not indeed with any deep and entire conviction of its truth, but with that sort of unexamining credulity—that ready acquiescence, with which men naturally receive a story which falls in with their own prejudices, and forwards their predetermined objects. But it cannot be denied, and must not be overlooked, that the act of 1678 was passed under the same delusion—was forced through the House of Lords by the same impulse, as it were—which brought Lord Stafford to the block.

The accusation against Lord Stafford and the other Catholic peers, was sent up to the House of Lords (as I have already stated) in the first alarm of the plot, and most clearly as the harbinger of the subsequent bill. It would not be candour but folly to doubt, that it was considered by those who sent it up, as the probable means of effecting, through intimidation, the exclusion of the body of which the accused peers formed a part, and of which the Duke of York was the chief, from Parliament. Those means, eventually, so far succeeded, as that the whole of the Catholic peers of the realm, with the exception of the principal intended victim, the Duke of York, were so excluded from Parliament.

In pursuance of this accusation, Lord Stafford was brought to trial, condemned, and beheaded. In about six or seven years after that event, the principal witnesses against him were convicted of perjury; and after that conviction, a bill, reversing Lord Stafford's attainder, was brought into the House of Lords, and passed there; but coming down to the House of Commons, it was rejected, or rather was dropped, for there is no trace on the journals of its rejection. The loss of the bill is attributed, by some historians, to the disinclination of the House of Commons to entertain any measure of this nature; while others account for it, and perhaps sufficiently, by the intervention of the Duke of Monmouth's landing, which took place on or about the time that had been appointed for the committee on the bill:— "The Lords, in passing the bill," says Rapin, "did it rather to oblige the King, than with any view to do justice to Lord Stafford. But the Commons did not entertain the same deference for the wishes of James; it was lost in that House, after a second reading, and was never heard of more." True it is, that after that Parliament had been dissolved, the bill for the reversal of Lord Stafford's attainder was not resumed; true it is, that Titus Oates, upon whose conviction for perjury the bill had been brought in, was, after the Revolution, pensioned by the Government. I cannot, however, admit

the non-resumption of the bill, after the Revolution, as any proof of Lord Stafford's guilt; still less can I admit the pension to Oates as a recognition of Oates's innocence and veracity. This favour to Oates, like many other political measures of equivocal morality, must be set down to the account of those circumstances—

"Res dura, et regni novitas ———"

which a revolution in government naturally and necessarily begets; and to the temper and condition of the times, which precluded too nice an examination of what might be strictly due to a political enemy. I am the rather confirmed in this opinion, when I find a sensible and judicious historian, like Mr. Hume, capable of making this remark on the bill for reversing Lord Stafford's attainder: "The bill (says Mr. Hume) fixed so deep a reproach on the former proceedings of the exclusionists, that it met with great opposition among the Lords; and it was at last, after *one* reading"—(this I take to be incorrect—it was read a second time, I think, and the day for the committee was appointed)—"dropped by the Commons. Though the reparation of injustice be the second honour which a nation can attain, the present emergence seemed very improper for granting so full a justification to the Catholics, and throwing so foul a stain on the Protestants." The amount of this opinion of the historian seems

to be, that the apology of the House of Commons for not completing an act of justice, was to be found, not in the merits of the case, but in the inexpediency of acknowledging that against the Catholics any injustice had been committed. I will not pause to examine the moral propriety of such a doctrine; but I cannot help asking,—have Parliament *now* any similar reasons for refusing to do justice? Is there any inexpediency in an attempt of the Parliament of 1822 to gain the "*second* honour" open to a nation—that of atoning for wrong? Must we *now*, and for what reason, continue the exclusion of the Catholic peers? Is there *now* any difficulty in making atonement to their descendants? What are the jealousies *now* to be consulted? By what "impropriety" as to "the present emergency," is the judgment of the House *now* to be influenced against adopting measures of equity and expiation? Would such a "reparation of injustice" *now* put to hazard the safety of that Constitution, to which we owe our national happiness and freedom, and our generally equitable laws?

As the extract which I have read from Hume exhibits that historian in an unamiable light, as the defender, upon principles of expediency, of an omission of which he does not palliate the injustice; it may be but fair to compare this cold-blooded sentence, with the terms of generous indignation in which the same writer had previously

spoken of the execution of Lord Stafford ;—"This was the last blood which was shed on account of the Popish Plot: an incident which, for the credit of the nation, it were better to bury in eternal oblivion; but which it is necessary to perpetuate, as well to maintain the truth of history, as to warn, if possible, their posterity, and all mankind, never again to fall into so shameful and barbarous a delusion." This is strong language, and as true as it is strong.

What is the language of the House of Lords itself, within seven years after they had concurred in the act of 1678, within five after they had condemned Lord Stafford to death? Hear the preamble of the act which they passed for the reversal of his attainder. "Whereas William, late Viscount Stafford, was impeached of high treason, for conspiring the death of his late Majesty King Charles the Second, of blessed memory, and the subversion of the Government, and was arraigned and tried before the peers in Parliament for the said high treason, and was found guilty thereof, and condemned and executed: And whereas, *it is now manifest that the said late Viscount Stafford was innocent of the treasons laid to his charge, and that the testimony whereupon he was convicted was false:* Be it enacted," &c.

What are the opinions of other more impartial judges on the subject of Lord Stafford's condemnation, as they have been delivered at a later

period, upon a calm review of the history of those times?—In the year 1786, debates took place, both in the House of Commons and House of Lords, on the question which was then raised, as to the abatement of Mr. Hastings's impeachment. In the discussion of precedents on that occasion, as to the continuation of an impeachment after the dissolution of a Parliament, the case of Lord Stafford was often cited. In arguing this question, the opinions of two very distinguished men (I am sure that their names alone will command attention), the late Lords Thurlow and Kenyon, were incidentally given on the proceedings against Lord Stafford. Lord Thurlow, undoubtedly, was not a favourer of Catholics; and Lord Kenyon certainly has not bequeathed any vehement affection for them to his posterity. Lord Thurlow is recorded to have declared, "that he disdained a precedent which was derived from times, when accusations, darkly contrived, and impudently alleged, against innocent men, were greedily entertained; when individuals were liable to suffer in their lives and fortunes, not because they had committed crimes against the state, but because they had rendered themselves obnoxious to this or that party in the state." Lord Kenyon's opinion is still more decided and precise; he said, "that whatever, while their passions were excited and their feelings were strong, men might have thought at the time of the conviction and sen-

tence of Lord Stafford, he firmly believed, that there was no one of them who, when reason had resumed her seat, and sober reflection had dissipated the mists of prejudice, would not have thought with him (Lord Kenyon), that the execution of Lord Stafford was a *legal murder*."

On this part of the subject, therefore, it may be enough for me to place the solemn declaration of the House of Lords, reversing their own judgment against Lord Stafford; to place the opinions of Lord Thurlow and of Lord Kenyon,—against the character and pension of Titus Oates. In addition to these testimonies, however, important as they are, I confess that I believe, in common (if concurrent histories be true) with all who heard them at the time,—the dying protestations of Lord Stafford;—and I must believe, according to every principle of law as well as of justice, in the innocence of those other peers, who, like Lord Stafford, were accused, but who were not, like him, put upon their trial.

Now it is impossible not to see that the fate of Stafford, and the expulsion of the Catholic peers from Parliament, were parts of the same system. The same testimony which produced the condemnation of Lord Stafford, occasioned also the act of 1678. Lord Stafford might have been guilty, and his fellows in accusation innocent;—*they* might have been guilty, and yet the rest of

the Catholic peerage blameless: the establishment of Lord Stafford's criminality, therefore, would not of itself justify the statute. It would not necessarily have justified the enactment of it at the time; still less would it now justify its continuance. But trace the chain of reasoning the other way, and the result is irresistibly conclusive. If Lord Stafford, who was tried and convicted was not guilty, much less so were those Catholic peers, who, though accused with him, were not tried;—much less so those others who, though not even accused, were nevertheless expelled from Parliament. So far, therefore, as the act of the 30th of Charles II. rests on the Popish Plot, the foundation of it entirely fails. Technical difficulties or temporary expediency may have prevented the reversal of Lord Stafford's attainder: but is there any thing temporary or technical to prevent this House from paying homage to truth, though late, and reversing legislative error?

I have now, Sir, only to recapitulate the grounds upon which I think the Parliament of this day ought to annul, with respect to Catholic peers, the operation of the statute to which my motion refers, even if political considerations were wholly set aside. It violated an inherent birthright, not to be taken away, unless for causes that would warrant the taking away property and life itself. It created a disability, which, if justly because necessarily created under the circum-

stances of the time, could continue to be just only while the same circumstances should continue, or if others of a similar character should arise in their place. It visited not the criminal himself only, and his supposed but untried accomplices, and his suspected but unaccused fellows in religious faith; but his and their remote and innocent posterity. It did all this upon evidence, the truth of which the Parliament which had passed the act, seven years afterwards, solemnly denied; and the judgment of all impartial men at this day confirms that denial.

With all these considerations, political and moral, in favour of a repeal of the exclusion of Roman Catholic peers, I am not to be deterred from urging it by being warned of the anomaly which it is pretended would be introduced by it into the Constitution. I deny the fact: not of the anomaly—but I deny that my bill would introduce it. If Catholic peers should sit in Parliament, while commoners continued to be excluded,—such was the state of things for one hundred and fifteen years, from the 5th of Elizabeth to the 30th of Charles II., without, so far as I know, any sensible inconvenience; without affecting the prosperity of the state, or encroaching upon the liberties of the nation, or shaking the stability of the throne. It is not a state of things which I wish; but it is not new, nor is it so monstrous as it is represented. Eligibility and pos-

session are to be argued, one upon the principle of expediency, the other on that of justice. No man can think more sincerely than I do, that we are wrong in refusing to Roman Catholics seats in this House:—but that is a different sort of injury from the one of which I now complain. It is indeed the withholding of an important privilege; but the injury to which the Catholic peer has been subjected, is the deprivation of a right of inheritance.

I am as unwilling as any man can be to give invidious preferences; and while I wish to see the Catholic peers restored to their own House, to sit there

> "In their own dimensions like themselves;"

I do not wish (can it be necessary to say that I do not?) to see their fellow Catholics curtailed of their fair pretensions by a lasting exclusion from the House of Commons. I should despise myself if any feeling of deference to aristocracy, any vulgar homage to rank or station, entered for a particle of motive into my selection of the case of the peers. I select it for its clearness, its compactness, its tangibility; for its freedom from those complications and qualifications which incumber and perplex the general question of the admission of Catholics into the state. I select it because it lays bare the principle of the argu-

ment, and on principle alone must be resisted, if resisted at all.

I select the case of the peers, because as on the one hand the right taken away is more definite and perfect, so on the other the privation inflicted is beyond all proportion more severe. Compare the hardship, the invidiousness of exclusion from one and from the other House of Parliament. How many contingencies might operate to prevent the entrance of the Catholic commoner into Parliament, supposing his disability on account of religion removed. He might be an officer of the revenue—he might not have the requisite pecuniary qualification—or he might, like hundreds of thousands of his qualified contemporaries, not have the good fortune to be chosen. But he does not, like the Catholic peer, bear about him the distinctive mark of his exclusion—the badge of his painful peculiarity. He is not a member of Parliament—what of that? Millions of his fellow-subjects are not so, and no one thinks the worse of them that they are not. But the case of the peer is widely different. Who can see the Duke of Norfolk, for instance, in the ordinary intercourse of society, without recollecting, without finding the idea instantly and involuntarily suggested to his mind—that *there* is a nobleman, by birthright the chief of the peerage of the land, who is shut out from the House of Parliament to which he belongs? Who can hear his wide posses-

sions, his proud titles enumerated, without being sensible that their owner is degraded by such an exclusion; and that the coronet which sparkles on his brow, brands rather than distinguishes its illustrious possessor?

The statute of 1678, in taking from the peers a right, inflicted on them a grievous wrong; not merely a technical and political injury—a privation, once inflicted and endured, and then to be forgotten; but a constant living, rankling soreness, present every day and every hour to their feelings and recollections; something that never quits them in public or in private—that haunts their footsteps—that sounds in their very names.

My selection of the peers then, is justified by the peculiarity of their situation—by the nature of that right which they lost—by the injustice through which they have lost it—and by the inflictions which the statute of exclusion has occasioned them; and so far from making them the objects of premature and partial redress, if the bill for their special relief were to pass now, they would have but tardy justice. They have stood by for nearly fifty years, while to other Roman Catholics great relaxations of disabling laws, and many privileges, have been conceded. They have stood by, silent and contented spectators of the benefits conferred on others; and if I now present myself to bring their appeal before Parliament, I must repeat that my interposition is

unsolicited by them; though, perhaps, it is not against their wish, it is entirely without their concurrence.

Sir, I have nearly done. The honourable member for Somersetshire, to whom I have already expressed myself obliged for the attention with which he has this evening honoured me, will, I am sure, acknowledge that I have shown my present proposition to be altogether distinct from the general question. This is as much a case by itself, and stands as singly upon its own merits as any case in Westminster Hall, which has no relation to the one that preceded it, or the one that is to follow. Nay, so confident do I feel in the view which I have taken of this case, that if it were possible to bring it before any legal tribunal, which should have the power of revising the proceedings of the legislature, I have no doubt that before such a tribunal the Catholic peers would obtain a verdict. Taking into consideration all the circumstances of the Popish Plot—the operation of these circumstances upon the House of Lords when it passed the act of 1678—the evident reluctance with which the act was passed, under instigations and menaces almost amounting to compulsion—the protest still extant on the journals of that House, by which deprivation of the right of sitting and voting in the House of Peers is declared to be unknown to the Constitution; and considering also the inno-

cence of those against whom the provisions of this act were levelled, or rather whom, being levelled against another, they involved; I feel no hesitation in affirming, that there is no jury which would not decide, that the expulsion of the Roman Catholic peers had been wrongfully obtained, and that their posterity are entitled to restoration to their place in Parliament.

It is hardly necessary again to repeat, that this is a very different proposition from that of rendering the Catholics generally eligible to Parliament. But I repeat it, for the purpose of subjoining that I do not agree with those who think that the readmission of the Catholic peers would therefore be a measure altogether indifferent to the great body of the Catholics. What! is not the whole clergy of the church of England ennobled by the admission of its prelates into the House of Lords, although there is an express statute, prohibiting any parson from sitting in the Commons' House of Parliament? Is it possible that any great body in the state should not partake of the dignity or degradation attaching to those who are at its head? Does not the meanest Catholic in the kingdom sympathize with the Catholic peers, for the sufferings endured by them in their exclusion, and would not he feel himself elevated by their restoration? No happier illustration perhaps can be found of this principle than one drawn from the plan devised by an

honourable gentleman on the other side of the House (Mr. Ricardo), for the restoration of our depreciated currency—a plan as full of genius as of science. The paper currency of the country was in a state of depreciation. To set it right at once, by a corresponding issue of gold, was impracticable. It was suggested to make certain large masses of notes, payable with bars of gold. It was objected to this plan, that the poor man's one pound note would thus be even more depreciated in value, by comparison with those which the rich man could carry in aggregated hundreds to the Bank, and get exchanged for bullion. Parliament, however, wisely adopted this plan; and what was the consequence? Why, that the value of the currency was speedily raised from one end of the country to the other—the one pound note of the poor man, partaking in that rise with its fellows, aggregated in the treasures of the rich, although it could not be exchanged for gold. In like manner, if Parliament should determine to admit the Catholic peers to their seats, although the Catholic peasantry could be little affected, so far as regarded any prospect of their reaching parliamentary honours, yet would they find a measure not useless to themselves, by which the value of the whole Roman Catholic denomination would be immediately raised throughout the kingdom.

This, Sir, is all that I shall permit myself to say on the question relating to the general body of His Majesty's Roman Catholic subjects. I say this to obviate prejudice on their parts; but I will add nothing more; for it is not my business on this occasion to plead their cause. And having, I trust, fulfilled my promise, of not diverging into the general question of Catholic disabilities; if I should now be met with an assertion, that my motion, in fact, is an opening of the whole question, and must be met and argued as the whole; undoubtedly I shall, as to the course of the argument, be disappointed; but I shall consider my cause as gained.

The questions which I require to be answered, are—

1st:—Were not Catholic peers first excluded from the House of Lords by the 30th of Charles II. after they had been expressly and anxiously retained there by Queen Elizabeth, at the time when she imposed the oath of supremacy on the House of Commons? Not that I think it by any means clear, that Elizabeth imposed that oath, even on the House of Commons, with a decided intention of excluding Roman Catholics from Parliament. The oaths at different times administered to Catholics, have been of two sorts: some have been put to them *bona fide* as tests of their allegiance; while others have been framed as tests,

not of loyalty, but of catholicism; the framers of this latter sort of oath assuming catholicism to be disloyalty. The oath of supremacy of Elizabeth was framed, I am inclined to believe, in the hope that Catholics might be brought to take it. Partially perhaps they did: generally speaking, they did not. But when that oath was subsequently imposed on the peers, together with the declaration against transubstantiation, those enactments were clearly and confessedly not intended as tests of allegiance, but were prescribed with a fore-knowledge that the Catholics would not take them; or rather with a pre-determination that they should be such as Catholics *could not* take.

2ndly:—Wherefore were the Roman Catholic peers thus expelled from Parliament? With the view of excluding the Duke of York from the throne? or in consequence of the Popish Plot? If with a view to the exclusion of popery from the throne, that object is long ago attained; the throne is unalterably Protestant. If in consequence of the Popish Plot, then arise the further questions—Were the five Catholic peers justly or unjustly accused of participation in that plot? If justly, why were they not put upon their trial? One only of them was brought to trial: he, it is true, was condemned: but has not even his innocence been since established?—and even if upon that point there is any scepticism, what is the species of justice which condemns four accused

persons upon the trial of one? and which deduces from four charges and one trial the proscription of thrice the number, not only innocent, but unaccused—and not only in their own persons, but throughout all succeeding generations of their posterity?

These, I say, are the questions to which I am entitled to require an answer from those who oppose my motion: and, in the absence of a satisfactory answer to them, I am entitled to say, that while I leave the larger question of Catholic disability or admissibility, to rest on political expediency; what I claim for the Catholic peers, I claim as a matter of right.

Against their continued exclusion, I appeal not only from the House of Commons of 1678, to this House which I have now the honour of addressing; not only from former to present times; but from Shaftesbury to Burleigh—from the testimony of Oates to that of Queen Elizabeth. Nay, I appeal from our ancestors of that day, to our ancestors themselves; from the House of Lords in 1678 to the same—or nearly the same—body in 1685; from the intoxication of their fears to the sobriety of their reflection and repentance. I adjure the House not to adopt in conduct, as they certainly would not sanction in words, the implied opinion of Mr. Hume, that perseverance in wrong can, under any circumstances, be preferable to inconvenient (even if in this case it were

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